

FEDERAL REGISTER

VOLUME 14

NUMBER 125

Washington, Thursday, June 30, 1949

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE ARMY

Under authority of § 6.1 (a) of Executive Order 9830, and at the request of the Department of the Army, the Commission has approved the exception from the competitive service the position of psycho-educational advisor at the Command and General Staff College, Fort Leavenworth, Kansas. Effective upon publication in the FEDERAL REGISTER, § 6.105 is amended by the addition of a paragraph as follows:

§ 6.105 *Department of the Army.* ***

(j) *Command and General Staff College, Fort Leavenworth, Kansas—(1) NC/PD.* Position of psycho-educational advisor, individual appointment not to exceed one year duration.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp. E. O. 9973, June 28, 1948, 13 F. R. 3600, 3 CFR, 1948 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] H. B. MITCHELL,
President.

[F. R. Doc. 49-5228; Filed, June 29, 1949; 8:58 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS, VEGETABLES, AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

REQUIREMENTS FOR PLANTS OPERATING UNDER CONTINUOUS INSPECTION ON A CONTRACT BASIS

On May 27, 1949, a notice of proposed rule making was published in the FEDERAL REGISTER (14 F. R. 2802) regarding the issuance of requirements for plants operating under continuous inspection on a contract basis. After consideration of all relevant matters presented, the following requirements for plants operating

under continuous inspection on a contract basis are hereby promulgated. Such action is taken pursuant to the authority contained in § 52.52 of the revised regulations governing the inspection and certification of processed fruits, vegetables, and other products (7 CFR, Part 52). The aforesaid regulations are currently effective under the authority contained in the Department of Agriculture Appropriation Act, 1949 (Pub. Law 712, 80th Cong., 2nd Sess., approved June 19, 1948).

REQUIREMENTS FOR PLANTS OPERATING UNDER CONTINUOUS INSPECTION ON A CONTRACT BASIS

- Sec.
- 52.80 Definitions.
 - 52.81 Plant survey.
 - 52.82 Premises.
 - 52.83 Buildings and structures.
 - 52.84 Facilities.
 - 52.85 Equipment.
 - 52.86 Operations and operating procedures.
 - 52.87 Personnel; health.
 - 52.88 Effective time.

AUTHORITY: §§ 52.80 to 52.88 issued under Pub. Law 712, 80th Cong., approved June 19, 1948 (7 CFR, Part 52).

REQUIREMENTS FOR PLANTS OPERATING UNDER CONTINUOUS INSPECTION ON A CONTRACT BASIS¹

§ 52.80 *Definitions.* (a) Unless otherwise distinctly expressed or manifestly incompatible with the intent hereof, all terms which are used herein shall have the meaning applicable to such terms when used in the regulations.

(b) "Regulations" means the revised regulations governing the inspection and certification of processed fruits, vegetables, and other processed products (7 CFR, Part 52).

(c) "Plant" means the premises, buildings, structures, and equipment (including, but not being limited to, machines, utensils, and fixtures) employed or used with respect to the manufacture or production of processed products.

§ 52.81 *Plant survey.* (a) Prior to the inauguration of continuous inspection service on a contract basis, the Administrator will make, or cause to be made, a survey and inspection of the plant

¹ Compliance with the above requirements does not excuse failure to comply with all applicable sanitary rules and regulations of city, county, State, Federal, or other agencies having jurisdiction over such plants and operations.

(Continued on p. 8577)

CONTENTS

	Page
Agriculture Department	
See Production and Marketing Administration.	
Alien Property, Office of	
Notices:	
Vesting orders, etc.:	
Ambuhl, Louis.....	3605
Becker, Anna.....	3603
Blumich, Adolph.....	3603
Girsch, Theresia.....	3605
Hawerda, Anna.....	3605
Hein, Ludwig.....	3603
Hofrek, Josefina.....	3604
Palmtag, William.....	3604
Pfotenbauer, Paul.....	3604
Richter, Wanda.....	3602
Stieltjes, Frederik Hendrik.....	3604
Temple, Lottie Edith, et al.....	3604
Air Force Department	
Rules and regulations:	
Joint procurement regulations; miscellaneous amendments (see Army Department).	
Army Department	
Rules and regulations:	
Joint procurement regulations; miscellaneous amendments.....	3588
Child Labor Branch	
Rules and regulations:	
State certificates; acceptance; designation of States.....	3588
Civil Service Commission	
Rules and regulations:	
Competitive service exceptions; Department of the Army.....	3575
Commerce Department	
See International Trade, Office of; Patent Office.	
Federal Communications Commission	
Notices:	
Hearings, etc.:	
Afro American Broadcasting System, Inc.....	3592
Coston-Tompkins Broadcasting Co.....	3594
Fort Industry Co. (WSPD) and Northeastern Indiana Broadcasting Co., Inc. (WKJG).....	3593
Heritage Broadcasting Corp.....	3593
L. W. Andrews, Inc.....	3594
Matheson Radio Co., Inc. (WHDH) and National Broadcasting Co., Inc. (KOA).....	3594
	3575



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1949 Edition

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CONTENTS—Continued

Federal Communications Commission—Continued	Page
Notices—Continued	
Hearings, etc.—Continued	
Midwest Broadcasting Co. (WMAW) et al.	3593
Moreno, John M.	3593
Quinones, Jose Ramon	3595
Radio Corp. of Arizona, Inc.	3594
Radio Lakewood, Inc.	3594
San Fernando Valley Broadcasting Co. et al.	3592
Terrell Broadcasting Corp.	3594
Times-Picayune Publishing Co.	3593
York Broadcasting Co. (WORK)	3594
List of changes, etc.:	
Dominican Republic broadcast stations	3595
Mexican broadcast stations	3595

CONTENTS—Continued

Federal Power Commission	Page
Notices:	
Hearings, etc.:	
Interstate Natural Gas Co., Inc.	3595
Montana-Dakota Utilities Co.	3596
Texas Eastern Transmission Corp.	3596
Federal Trade Commission	
Rules and regulations:	
Promulgation of trade practice rules:	
Oil heating industry of New England States	3582
Yeast industry	3579
Immigration and Naturalization Service	
Rules and regulations:	
Admission of alien students	3579
Indian Affairs Bureau	
Rules and regulations:	
Electrification; Flathead Irrigation Project, Montana	3585
Interior Department	
See also Indian Affairs Bureau; Land Management, Bureau of.	
Notices:	
Delegation of authority; Bureau of Reclamation	3592
International Trade, Office of	
Rules and regulations:	
Positive list of commodities and related matters; miscellaneous amendments	3585
Provisions for individual and other validated licenses; miscellaneous amendments (2 documents)	3584, 3585
Interstate Commerce Commission	
Rules and regulations:	
Car service; reduced rates on giant refrigerator cars	3589
Justice Department	
See Alien Property, Office of; Immigration and Naturalization Service.	
Labor Department	
See Child Labor Branch.	
Land Management, Bureau of	
Notices:	
Classification orders:	
Arizona (2 documents)	3590, 3591
California	3591
Nevada	3591
Shore space restoration; Alaska	3590
Narcotics Bureau	
Proposed rule making:	
Bemidone, etc.; addiction-forming or addiction-sustaining liability	3589
National Military Establishment	
See Army Department.	
Patent Office	
Rules and regulations:	
Trade-marks; advertising	3589
Production and Marketing Administration	
Proposed rule making:	
Union Stock Yards, Lafayette, Ind.	3589

CONTENTS—Continued

Production and Marketing Administration—Continued	Page
Rules and regulations:	
Plants operating under continuous inspection on a contract basis, requirements	3575
Sugar quotas; determination and prorations of area deficits	3578
Reclamation Bureau	
See Interior Department.	
Securities and Exchange Commission	
Notices:	
Hearings, etc.:	
American Power & Light Co. and Florida Power & Light Co.	3599
Columbia Gas System, Inc., and United Fuel Gas Co.	3599
General Public Utilities Corp.	3596
Middle West Corp.	3598
Narragansett Electric Co. et al.	3600
St. Joseph Light & Power Co. and Continental Gas & Electric Corp.	3600
Texas Utilities Co.	3602
Treasury Department	
See Narcotics Bureau.	

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 3	Page
Chapter II (Executive orders):	
9830 (see T. 5, Part 6)	3575
Title 5	
Chapter I:	
Part 6	3575
Title 7	
Chapter I:	
Part 52	3575
Chapter VIII:	
Part 813	3578
Title 8	
Chapter I:	
Part 125	3579
Title 15	
Chapter III:	
Part 372 (2 documents)	3584, 3585
Part 399	3585
Title 16	
Chapter I:	
Part 182	3579
Part 183	3582
Title 21	
Chapter II (proposed)	3589
Title 25	
Chapter I:	
Part 131	3585
Title 29	
Chapter IV:	
Part 402	3588
Title 34	
Chapter V:	
Joint procurement regulations	3588

CODIFICATION GUIDE—Con.

Title 37	Page
Chapter I:	
Part 100-----	3589
Title 49	
Chapter I:	
Part 95-----	3589

where such service is to be performed to determine whether the plant and methods of operation are suitable and adequate for the performance of such service in accordance with:

- (1) The regulations;
- (2) The requirements contained in these sections (i. e., §§ 52.80 through 52.87); and
- (3) The terms and provisions of the contract pursuant to which the service is to be performed.

§ 52.82 *Premises.* The premises of the plant shall be free from conditions objectionable to food processing operations; and such conditions include, but are not limited to, the following:

- (a) Strong offensive odors;
- (b) Litter, waste, and refuse (e. g., garbage, viner refuse, and damaged containers) within the immediate vicinity of the plant buildings or structures;
- (c) Excessively dusty roads, yards, or parking lots; and
- (d) Poorly drained areas.

§ 52.83 *Buildings and structures.* The plant buildings and structures shall be properly constructed and maintained in a sanitary condition, including, but not being limited to, the following requirements:

- (a) There shall be sufficient light (1) consistent with the use to which the particular portion of the building is devoted and (2) to permit efficient cleaning. Belts and tables on which picking, sorting, or trimming operations are carried on shall be provided with sufficient non-glaring light to insure adequacy of the respective operation.

(b) If practicable, there shall be sufficient ventilation in each room and compartment thereof to prevent excessive condensation of moisture and to insure sanitary and suitable processing and operating conditions. If such ventilation does not prevent excessive condensation, the Administrator may require that suitable facilities be provided to prevent the condensate from coming in contact with equipment used in processing operations and with any ingredient used in the manufacture or production of a processed product.

(c) There shall be an efficient waste disposal and plumbing system. All drains and gutters shall be properly installed with approved traps and vents, and shall be maintained in good repair and in proper working order.

(d) There shall be an ample supply of both hot and cold water; and the water shall be of safe and sanitary quality with adequate facilities for its (1) distribution throughout the plant, and (2) protection against contamination and pollution.

(e) Roofs shall be weather-tight. The walls, ceilings, partitions, posts, doors, and other parts of all buildings and structures shall be of such materials, construction, and finish as to permit their efficient and thorough cleaning. The floors shall be constructed of tile, cement, or other equally impervious material and shall be free from openings or rough surfaces which would interfere with maintaining the floors in a clean condition.

(f) Each room and each compartment in which any processed products are handled, processed, or stored (1) shall be so designed and constructed as to insure processing and operating conditions of a clean and orderly character; (2) shall be free from objectionable odors and vapors; and (3) shall be maintained in a clean and sanitary condition.

(g) Every practical precaution shall be taken to exclude dogs, cats, and vermin (including, but not being limited to, rodents and insects) from the rooms in which processed products are being prepared or handled and from any rooms in which ingredients (including, but not being limited to, salt, sugar, spices, flour, syrup, and raw fruits and vegetables) are handled or stored. Screens, or other devices, adequate to prevent the passage of insects shall, where practical, be provided for all outside doors and openings. The use of poisonous cleansing agents, insecticides, bactericides, or rodent poisons shall not be permitted except under such precautions and restrictions as will prevent any possibility of their contamination of the processed product.

§ 52.84 *Facilities.* Each plant shall be equipped with adequate sanitary facilities and accommodations, including, but not being limited to, the following:

(a) There shall be a sufficient number of adequately lighted toilet rooms, ample in size, and conveniently located. Such rooms shall not open directly into rooms or compartments in which processed products are being manufactured or produced, or handled. Toilet rooms shall be adequately screened and equipped with self-closing doors and shall have independent outside ventilation.

(b) Lavatory accommodations (including, but not being limited to, running water, single service towels, and soap) shall be placed at such locations in or near toilet rooms and in the manufacturing or processing rooms or compartments as may be necessary to assure the cleanliness of each person handling ingredients used in the manufacture or production of processed products.

(c) Containers intended for use as containers for processed products shall not be used for any other purpose.

(d) No product or material which creates an objectionable condition shall be processed, handled, or stored in any room, compartment, or place where any processed product is manufactured, processed, or handled.

(e) Suitable facilities for cleaning (e. g., brooms, brushes, mops, clean cloths, hose, nozzles, soaps, detergent, sprayers, and steam pressure hose and

guns) shall be provided at convenient locations throughout the plant.

§ 52.85 *Equipment.* All equipment used for receiving, washing, segregating, picking, processing, packaging, or storing any processed products or any ingredients used in the manufacture or production thereof, shall be of such design, material, and construction as will:

(a) Enable the examination, segregation, preparation, packaging and other processing operations applicable to processed products, in an efficient, clean, and sanitary manner, and

(b) Permit easy access to all parts to insure thorough cleaning and effective bactericidal treatment. Insofar as is practicable, all such equipment shall be made of stainless steel or equally corrosion-resistant material that will not adversely affect the processed product by chemical action or physical contact. Such equipment shall be kept in good repair and sanitary condition.

§ 52.86 *Operations and operating procedures.* (a) All operations in the receiving, transporting, holding, segregating, preparing, processing, packaging and storing of processed products and ingredients, used as aforesaid, shall be strictly in accord with clean and sanitary methods and shall be conducted as rapidly as practicable and at temperatures that will not tend to cause (1) any material increase in bacterial or other micro-organic content, or (2) any deterioration or contamination of such processed products or ingredients thereof. Mechanical adjustments or practices which may cause contamination of foods by oil, dust, paint, scale, fumes, grinding materials, decomposed food, filth, chemicals, or other foreign materials shall not be conducted during any manufacturing or processing operation.

(b) All processed products and ingredients thereof shall be subjected to continuous inspection throughout each manufacturing or processing operation. All processed products which are not manufactured or prepared in accordance with the requirements contained in §§ 52.80 through 52.87 or are not fit for human food shall be removed and segregated prior to any further processing operation.

(c) All ingredients used in the manufacture or processing of any processed product shall be clean and fit for human food.

(d) The methods and procedures employed in the receiving, segregating, handling, transporting, and processing of ingredients in the plant shall be adequate to result in a satisfactory processed product. Such methods and procedures include, but are not limited to, the following requirements:

(1) Containers, utensils, pans, and booklets used for the storage or transporting of partially processed food ingredients shall not be nested unless re-washed before each use;

(2) Containers which are used for holding partially processed food ingredients shall not be stacked in such manner as to permit contamination of the partially processed food ingredients;

(3) Packages or containers for processed products shall be clean when being filled with such products; and all reasonable precautions shall be taken to avoid soiling or contaminating the surface of any package or container liner which is, or will be, in direct contact with such products. If, to assure a satisfactory finished product, changes in methods and procedures are required by the Administrator, such changes shall be effectuated as soon as practicable.

§ 52.87 *Personnel; health.* In addition to such other requirements as may be prescribed by the Administrator with respect to persons in any room or compartment where exposed ingredients are prepared, processed, or otherwise handled, the following shall be complied with:

(a) No person affected with any communicable disease (including, but not being limited to, tuberculosis) in a transmissible stage shall be permitted;

(b) Infections or cuts shall be covered with rubber gloves or other suitable covering;

(c) Clean, suitable clothing shall be worn;

(d) Hands shall be washed immediately prior to starting work and each resumption of work after each absence from the work station;

(e) Spitting, and the use of tobacco are prohibited; and

(f) All necessary precautions shall be taken to prevent the contamination of processed products and ingredients thereof with any foreign substance (including, but not being limited to, perspiration, hair, cosmetics, and medications).

§ 52.88 *Effective time.* The requirements for plants operating under continuous inspection shall become effective 30 days after the date of publication of these requirements in the FEDERAL REGISTER.

Issued at Washington, D. C., this 24th day of June 1949.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 49-5223; Filed, June 29, 1949; 8:48 a. m.]

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas [Sugar Reg. 813, Amdt. 2]

PART 813—SUGAR QUOTAS AND PRORATIONS OF QUOTA DEFICITS 1949

DETERMINATION AND PRORATIONS OF AREA DEFICITS

Basis and purpose. This amendment is issued pursuant to the Sugar Act of

1948 for the purpose of prorating an area deficit which is hereby determined. Section 204 (a) of the act provides that the Secretary shall from time to time determine whether any domestic area, the Republic of the Philippines, or Cuba will be unable to market its quota. If he so finds with respect to the Republic of the Philippines, the quotas for Cuba and foreign countries other than Cuba and the Republic of the Philippines shall be revised by prorating to such areas an amount of sugar equal to any deficit so determined.

Since the Sugar Act provides that the quota for any domestic area, the Republic of the Philippines, Cuba, or other foreign countries as established under the provisions of section 202 shall not be reduced by reason of any determination of a deficit and makes the proration of any such deficit a mere mathematical computation, it is hereby determined and found that compliance with the notice and procedure requirements of the Administrative Procedure Act is unnecessary. Furthermore, in order to afford sellers of sugar in affected areas an adequate opportunity to market the additional sugar authorized by this amendment, and thereby protect the interest of consumers, it is essential that this amendment be made effective immediately. Therefore, it is hereby found and determined that compliance with the effective date requirements of the Administrative Procedure Act is impracticable and contrary to the public interest and the amendment herein shall become effective on the date of its publication in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948 (61 Stat. 922, 7 U. S. C. Sup. I, 1100) and the Administrative Procedure Act (60 Stat. 237) Sugar Regulation 813 (formerly General Sugar Quota Regulations, Series 11, No. 1) (13 F. R. 9483 as amended by 14 F. R. 3258) is hereby further amended by changing paragraphs (a) and (b) of § 813.3 and paragraph (b) of § 813.4 to read as follows:

§ 813.3 *Determination and prorations of area deficits*—(a) *Deficit in quota for the Republic of the Philippines.* It is hereby determined, pursuant to subsection (a) of section 204 of the act, that for the calendar year 1949 the Republic of the Philippines will be unable by an amount of 425,000 short tons of sugar, raw value, to market the quota established for that area in § 813.2.

(b) *Proration of deficit in quota for the Republic of the Philippines.* An amount of sugar equal to the deficit determined in paragraph (a) of this section is hereby prorated, pursuant to subsection (a) of section 204 of the act, as follows:

Area:	Additional quotas in terms of short tons, raw value
Cuba	403, 750
Foreign countries other than Cuba and the Republic of the Philippines	21, 250

§ 813.4 *Proration of quota for foreign countries other than Cuba and the Republic of the Philippines.* * * *

(b) *Additional prorations.* An amount of sugar equal to that part of the deficit prorated to foreign countries other than Cuba and the Republic of the Philippines under paragraph (b) of § 813.3, is hereby prorated, pursuant to subsection (d) of section 204 of the act, as follows:

Country:	Additional proration in pounds, raw value
Belgium	73, 196
Canada	140, 322
China and Hongkong	76, 587
Czechoslovakia	65, 485
Dominican Republic	8, 999, 863
Dutch East Indies	52, 573
Guatemala	83, 292
Haiti, Republic of	735, 183
Honduras	853, 702
Mexico	5, 638, 628
Netherlands	54, 184
Nicaragua	3, 563, 427
Peru	16, 518, 447
Salvador	4, 975, 097
United Kingdom	87, 213
Venezuela	72, 125
Other Countries	10, 676
Subtotal	42, 000, 000
Unallotted Reserve	500, 000
Total	42, 500, 000

Statement of bases and considerations. In the original determination of quotas for 1949 a deficit amounting to 125,000 short tons of sugar, raw value, in marketings under the statutory quota for the Republic of the Philippines was prorated. Production and shipment of 1948-49 crop Philippine sugar are now sufficiently advanced to provide a more accurate estimate of prospective total marketings. It appears that production will be substantially less than previously estimated and that local consumption will exceed earlier estimates. Accordingly, the proration of an additional 300,000 short tons of sugar, raw value, of Philippine 1949 deficit is warranted. This deficit has been prorated to Cuba and foreign countries other than Cuba and the Republic of the Philippines on the basis of 95 percent (285,000 tons) to Cuba and 5 percent (15,000 tons) to such other foreign countries as required by the act. The 15,000 tons of additional quota for foreign countries other than Cuba and the Republic of the Philippines has been prorated on the basis of the amounts entered by each such country under the 1948 quota. This basis is the best present indication of the interest of the countries concerned in supplying sugar to the United States market.

After giving effect to the changes set forth in Sugar Regulation 814 (formerly General Sugar Quota Regulations, Series 11, No. 1) and amendments 1 and 2 thereto, the quotas for all areas are as follows:

BASIC QUOTAS, PRORATIONS OF DEFICITS AND ADJUSTED QUOTAS FOR 1949

[Short tons, raw value]

Production area	Basic quota	Proration of deficits in quotas			Adjusted quota
		First Philippine	Domestic beet	Second Philippine	
Domestic beet	1,800,000		(200,000)		1,600,000
Mainland cane	500,000				500,000
Hawaii	1,052,000				1,052,000
Puerto Rico	910,000		60,635		970,635
Virgin Islands	6,000				6,000
Philippines	982,000	(125,000)		(360,000)	557,000
Cuba	1,972,800	118,750	130,365	285,000	2,515,915
Other foreign countries:					
Belgium	160.4	36.6			197.0
Canada	307.4	70.2			377.6
China & Hongkong	157.0	35.8		2.5	195.3
Czechoslovakia	143.5	32.7			176.2
Dominican Republic	3,633.9	829.2		3,670.7	8,133.8
Dutch East Indies	115.2	26.3			141.5
Guatemala	182.5	41.6			224.1
Haiti, Republic of	502.2	114.6		253.0	869.8
Honduras	1,870.5	426.9			2,297.4
Mexico	3,287.0	750.0		2,069.2	6,106.2
Netherlands	118.7	27.1			145.8
Nicaragua	5,569.7	1,271.1		510.7	7,351.5
Peru	6,050.4	1,382.1		6,877.1	14,315.6
Salvador	4,473.1	1,020.8		1,466.8	6,960.7
United Kingdom	191.1	43.6			234.7
Venezuela	138.0	36.1			194.1
Other Countries	23.4	5.3			28.7
Unallotted	250.0	100.0		150.0	500.0
Subtotal	27,200.0	6,250.0		15,000.0	48,450.0
Total	7,250,000				7,250,000

(Secs. 204, 403, 61 Stat. 925, 932; 7 U. S. C. Sup. I, 1114, 1153)

Done at Washington, D. C., this 27th day of June 1949. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary.

[F. R. Doc. 49-5266; Filed, June 29, 1949;
8:50 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter B—Immigration Regulations

PART 125—STUDENTS

CONDITIONS OF ADMISSION OF ALIEN STUDENTS

JUNE 13, 1949.

Reference is made to the notice of proposed rule making which was published in the FEDERAL REGISTER of May 6, 1949 (14 F. R. 2359), pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) and in which there were stated in full the details of a proposed amendment of the rule (8 CFR 125.3) relating to the conditions of admission of alien students. No representations have been received concerning the proposed amendment. The rule as stated below is hereby adopted. The provisions of the adopted rule are the same as those stated in the notice of proposed rule making.

Paragraph (c) of § 125.3, *Conditions of admission*, Chapter I, Title 8 of the Code of Federal Regulations, is amended to read as follows:

(c) Establish (1) that he seeks to enter the United States solely for the purpose of pursuing a definite course of study in the institution designated by him and

approved by the Attorney General, (2) that he will carry a course of studies consisting of a minimum of 12 semester hours or the equivalent thereof if he is an undergraduate student, or consisting of a full program of study of the size and nature required by the institution if he is a graduate student, and (3) that he has sufficient scholastic preparation and knowledge of the English language to enable him to undertake his intended course, as indicated by the institution to which he is to be admitted.

This order shall become effective on the date of its publication in the FEDERAL REGISTER. The requirement of section 4 (c) of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) relative to delayed effective date is inapplicable since the purpose and effect of the amendment made by the order are to relieve restrictions upon immigrant students by permitting their attendance at night classes as well as day classes.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675; 8 U. S. C. 102, 222, 458 (a))

WATSON B. MILLER,
Commissioner of
Immigration and Naturalization.

Approved: June 24, 1949.

TOM C. CLARK,
Attorney General.

[F. R. Doc. 49-5205; Filed, June 29, 1949;
8:46 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[File No. 21-367]

PART 182—YEAST INDUSTRY

PROMULGATION OF TRADE PRACTICE RULES

At a regular session of the Federal Trade Commission held at its office in the

city of Washington, D. C., on the 27th day of June 1949.

Due proceedings having been held under the trade practice conference procedure in pursuance of the act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission;

It is now ordered, That the trade practice rules of Group I and Group II, as hereinafter set forth, which have been approved and received, respectively, by the Commission in this proceeding, be promulgated as of June 30, 1949.

Statement by the Commission. Trade practice rules for the Yeast Industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under the trade practice conference procedure.

The industry is comprised of the persons and concerns engaged in the business of manufacturing or marketing yeast or yeast products used as a leavening agent in commercial or home baking. Combined volume of such business of the industry is reported as exceeding \$25,-000,000 per annum.

The rules are directed to the prevention of unfair competitive methods and trade abuses in the interest of protecting industry, trade, and the public, and of providing guidance and assistance to business in the maintenance of free and fair competition. Practices deemed to be unfair and harmful are defined and listed in the rules. Among the subjects covered are: Making of gifts, loans, and other special inducements to purchase; commercial bribery; selling below cost; coercing purchase of one product as a prerequisite to the purchase of other products; prohibited discrimination; combination or coercion to fix prices, suppress competition, or restrain trade; enticing away employees of competitors; inducing breach of contract; procurement of competitor's confidential information by unfair means and wrongful use thereof; defamation of competitors or disparagement of their products; false invoicing; false and misleading price quotations, etc.; misrepresentation in general; and aiding or abetting use of unfair trade practices.

Limitation on the giving of samples, and repudiation of contracts, are also covered in the rules.

The proceedings under which the rules have been formulated and established were instituted upon application from members of the industry. A general industry conference was held in Washington, D. C., at which proposals for rules were received and given consideration. Thereafter, a draft of proposed rules in appropriate form was made available by the Commission and pursuant to public notice all interested or affected parties were afforded opportunity to present their views, including such pertinent information, suggestions, or objections as they desired to offer, and to be heard in the premises. Such public hearing was held in Washington, D. C. Thereupon, and after due consideration of the entire matter the Commission approved and received, respectively, the rules hereinafter appearing in Group I and Group II.

Such rules become operative thirty (30) days from date of promulgation.

These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which suppresses competition, restrains trade, fixes or controls price through combination or agreement, or which otherwise injures, destroys, or prevents competition, that the rules are to be applied.

Sec.

182.0 Definition.

GROUP I

- 182.1 Making of gifts, loans, and other special inducements to purchase.
- 182.2 Commercial bribery.
- 182.3 Selling below cost.
- 182.4 Coercing purchase of one product as a prerequisite to the purchase of other products.
- 182.5 Prohibited discrimination.
- 182.6 Combination or coercion to fix prices, suppress competition, or restrain trade.
- 182.7 Enticing away employees of competitors.
- 182.8 Inducing breach of contract.
- 182.9 Procurement of competitor's confidential information by unfair means and wrongful use thereof.
- 182.10 Defamation of competitors or disparagement of their products.
- 182.11 False invoicing.
- 182.12 False and misleading price quotations, etc.
- 182.13 Misrepresentation in general.
- 182.14 Aiding or abetting use of unfair trade practices.

GROUP II

- 182.101 Giving of samples.
- 182.102 Repudiation of contracts.

AUTHORITY: §§ 182.0 to 182.102, issued under 38 Stat. 717, as amended, 15 U. S. C. 41, et seq.

§ 182.0 *Definition.* (a) As used in the rules in this part the term "Industry Product" means any yeast or yeast product which is sold, offered for sale, or distributed, for use as a leavening agent in the making of bread, rolls, cakes, or other baking or food products.

(b) Members of the industry are the persons, firms, and corporations or organizations, engaged in the business of manufacturing or producing, distributing, or placing on the market, any such industry product as above defined.

GROUP I

General statement. The unfair trade practices embraced in the Group I rules herein are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

§ 182.1 *Making of gifts, loans, or other special inducements to purchase.* It is an unfair trade practice for any member of the Yeast Industry to give, lend, or

furnish, or to contract to give, lend, or furnish, money or any other thing of value, including samples, fixtures, or machinery (such as refrigerators, baking machinery, scales, etc.), or to afford special credit or other services or facilities or to provide entertainment, for or to any customer or prospective customer:

(a) As an inducement to purchase or contract to purchase or on the condition that the customer or prospective customer purchase exclusively the products of the industry member furnishing such inducement or refrain from purchasing or contracting to purchase the products of a competitor, where the effect thereof may be to substantially lessen competition or tend to create a monopoly; or

(b) Where the effect of such practice is to bring about a discrimination in price, services, or facilities contrary to the provisions of the Robinson-Patman Act and of § 182.5. [Rule 1]

§ 182.2 *Commercial bribery.* It is an unfair trade practice for a member of the industry, directly or indirectly, to give, or offer to give, or permit or cause to be given, money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase, or contract to purchase, products manufactured or sold by such industry member or the maker of such gift or offer, or to influence such employers or principals to refrain from dealing in the products of competitors or from dealing or contracting to deal with competitors. [Rule 2]

§ 182.3 *Selling below cost.* The practice of selling industry products below the seller's cost with the intent and with the effect of injuring a competitor and where the effect may be to substantially lessen competition or tend to create a monopoly or unreasonably restrain trade is an unfair trade practice. All elements recognized by good accounting practice as proper elements of such cost shall be included in determining cost under this section. The costs, however, which are referred to in the section, are actual costs of the respective seller and not some other figure or average costs in the industry determined by an industry cost survey or otherwise. [Rule 3]

§ 182.4 *Coercing purchase of one product as a prerequisite to the purchase of other products.* The practice of coercing the purchase of one or more products as a prerequisite to the purchase of one or more other products, where the effect may be to substantially lessen competition or tend to create a monopoly or to unreasonably restrain trade, is an unfair trade practice. [Rule 4]

§ 182.5 *Prohibited discrimination.* — (a) *Prohibited discriminatory prices, or rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.* It is an unfair trade practice for any member of the industry engaged in

commerce,¹ in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential (whether in the guise of samples, or so-called free deals, or otherwise), where such rebate, refund, discount, credit, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce,¹ and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce,¹ or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however:*

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States;

(2) That nothing herein contained shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

(3) That nothing herein contained shall prevent persons engaged in selling goods, wares, or merchandise in commerce¹ from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing herein contained shall prevent price changes from time to time where made in response to changing conditions affecting either (i) the market for the goods concerned, or (ii) the marketability of the goods, such as, but not limited to, actual or imminent deterioration of perishable goods, obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned.

(b) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in commerce,¹ in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such inter-

¹ As used throughout this section, the word "commerce" means "trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States."

mediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce¹ to pay or contract for the payment of advertising or promotional allowances of any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(d) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all purchasers on proportionally equal terms.

(e) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry engaged in commerce,¹ in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this section.

(f) *Purchases by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit.* The foregoing provisions of this section relate to practices within the purview of the Robinson-Patman Antidiscrimination Act, which act and the application thereunder of this section are subject to the limitations expressed in the amendment to such Robinson-Patman Antidiscrimination Act, which amendment was approved May 26, 1938, and reads as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That nothing in the act approved June 19, 1936 (Public, Numbered 692, Seventy-fourth Congress, second session), known as the Robinson-Patman Antidiscrimination Act, shall apply to purchases of their supplies for their own use by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit." (52 Stat. 446; United States Code, 1940 edition, Title 15, Sec. 13c.)

(g) *Purchases by U. S. Government; applicability of Robinson-Patman Antidiscrimination Act to same.* In an opinion submitted to the Secretary of War under date of December 28, 1936, the U. S. Attorney General advised that the

Robinson-Patman Antidiscrimination Act "is not applicable to Government contracts for supplies." (39 Opinions, Attorney General 539.) [Rule 5]

§ 182.6 *Combination or coercion to fix prices, suppress competition, or restrain trade.* It is an unfair trade practice for a member of the industry or other person:

(a) To use, directly or indirectly, any form of threat, intimidation, or coercion against any member of the industry or other person unlawfully to fix, maintain, or enhance prices, suppress competition, or restrain trade; or

(b) To enter into or take part in, directly or indirectly, any agreement, understanding, combination, conspiracy, or concerted action with one or more members of the industry, or with one or more other persons, unlawfully to fix, maintain, or enhance prices, suppress competition, or restrain trade. [Rule 6]

§ 182.7 *Enticing away employees of competitors.* It is an unfair trade practice for any member of the industry willfully to entice away employees of competitors with the intent and effect of thereby unduly hampering or injuring competitors in their business and destroying or substantially lessening competition: *Provided*, That nothing in this section shall be construed as prohibiting employees or agents from seeking or obtaining more favorable employment. [Rule 7]

§ 182.8 *Inducing breach of contract.* Inducing or attempting to induce the breach of existing lawful contracts between competitors and their customers or their suppliers by any false or deceptive means whatsoever, or interfering with or obstructing the performance of any such contractual duties or services by any such means, with the purpose and effect of unduly hampering, injuring, or prejudicing competitors in their business, is an unfair trade practice. [Rule 8]

§ 182.9 *Procurement of competitor's confidential information by unfair means and wrongful use thereof.* It is an unfair trade practice for any member of the industry to obtain information concerning the business of a competitor by bribery of an employee or agent of such competitor, by false or misleading statements or representations, by the impersonation of one in authority, or by any other unfair means, and to use the information so obtained in such manner as to injure said competitor in his business or to suppress competition or unreasonably restrain trade. [Rule 9]

§ 182.10 *Defamation of competitors or disparagement of their products.* The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of the grade, quality, quantity, substance, character, nature, origin, size, or preparation of any product of competitors, or of their business methods, selling prices, values, credit terms, policies, or services, is an unfair trade practice. [Rule 10]

§ 182.11 *False invoicing.* It is an unfair trade practice to withhold from or

insert in invoices any statement or information by reason of which omission or insertion a false record is made, wholly or in part, of the transaction or transactions represented on the face of such invoices, with the purpose or effect of thereby misleading or deceiving purchasers or prospective purchasers. [Rule 11]

§ 182.12 *False and misleading price quotations, etc.* The publishing or circulating by any member of the industry of false or misleading price quotations, price lists, or terms or conditions of sale, with the capacity and tendency or effect of thereby misleading or deceiving purchasers or prospective purchasers, is an unfair trade practice. [Rule 12]

§ 182.13 *Misrepresentation in general.* It is an unfair trade practice for any industry member to make or cause to be made, directly or indirectly, in newspaper or periodical advertisements, sales promotional literature, on the radio, or otherwise, or in connection with any demonstration or course of instruction, any false, misleading, or deceptive statement or representation concerning the quality, quantity, price, value, composition, ingredients, nutritional value, freshness, use, effectiveness, preparation, manufacture, or distribution of any industry product; or to misrepresent any such product in any other material respect.

NOTE: Among the inhibitions of this section is "false advertisement", as defined in section 15 of the Federal Trade Commission Act, of any "food" or other product within the scope of such section. Furthermore, nothing in the rules in this part is to be construed as relieving anyone of the necessity of complying with the provisions of the Food, Drug and Cosmetic Act in respect to labeling or any other matter coming within the purview of that act.

[Rule 13]

§ 182.14 *Aiding or abetting use of unfair trade practices.* It is an unfair trade practice for any industry member to aid, abet, coerce, or induce another, directly or indirectly, to use or promote the use of any unfair trade practice specified in the rules in this part. [Rule 14]

GROUP II

General statement. Compliance with trade practice provisions embraced in Group II rules is considered to be conducive to sound business methods and is to be encouraged and promoted individually or through voluntary cooperation exercised in accordance with existing law. Nonobservance of such rules does not per se constitute violation of law. Where, however, the practice of not complying with any such Group II rules is followed in such manner as to result in unfair methods of competition, or unfair or deceptive acts or practices, corrective proceedings may be instituted by the Commission as in the case of violation of Group I rules.

§ 182.101 *Giving of samples.* The industry disapproves the practice of giving samples except when and to the extent necessary to acquaint prospective new customers with the quality or properties of the product offered for sale or to ac-

¹ See footnote on p. 3580.

quaint present customers with a new type of product, and where the giving of such samples would not be contrary to any of the provisions of §§ 182.1 or 182.5. [Rule A]

§ 182.102 *Repudiation of contracts.* Lawful contracts are business obligations which should be performed in letter and in spirit. The repudiation of contracts by sellers on a rising market or by buyers on a declining market is condemned by the industry. [Rule B]

A Committee on Trade Practices is hereby authorized to cooperate with the Federal Trade Commission in the enforcement of these rules and to perform such other acts as may be legal and proper to make these rules effective.

Promulgated by the Federal Trade Commission on June 30, 1949.

[SEAL]

D. C. DANIEL,
Secretary.

[F. R. Doc. 49-5227; Filed, June 29, 1949; 8:45 a. m.]

[File No. 21-415]

PART 183—OIL HEATING INDUSTRY OF THE NEW ENGLAND STATES

PROMULGATION OF TRADE PRACTICE RULES

At a regular session of the Federal Trade Commission held at its office in the city of Washington, D. C., on the 27th day of June 1949.

Due proceedings having been held under the trade practice conference procedure in pursuance of the act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission;

It is now ordered, That the trade practice rules of Group I and Group II, as hereinafter set forth, which have been approved and received, respectively, by the Commission in this proceeding, be promulgated as of June 30, 1949.

Statement by the Commission. Trade practice rules for the Oil Heating Industry of the New England States, as hereinafter set forth, are promulgated by the Federal Trade Commission under the trade practice conference procedure.

The industry for which these rules are established is that engaged, in the New England States, in the sale or distribution, at retail or direct to the consumer, and in the installation, servicing, or repairing, of heating systems, including the necessary parts, equipment, or appliances incident thereto, such as fuel tanks, fuel burners, furnaces, boilers, automatic controls, etc. Heating systems as covered under the rules are used for the generation, as distinguished from the distribution, of heat through combustion of domestic and industrial fuel oil. Included also in the industry's business is the sale and distribution, at retail or direct to the consumer, of fuel oil for consumption in heating systems of the type described. Members of the industry are the persons and concerns engaged in the above-described business in the New England States.

The rules are directed to the elimination and prevention of unfair trade practices to the end that the industry, trade, and the public may be protected from the harmful effects of such competitive methods and that the conduct of business throughout the industry may be effectively maintained on a high plane of free and fair competition.

In the course of the proceeding, and pursuant to public notice, a general industry conference was held in Boston, Massachusetts, at which proposals for rules were received and given consideration. Thereafter, a draft of proposed rules in appropriate form was made available by the Commission upon further public notice whereby all interested or affected parties were afforded opportunity to present their views, including such pertinent information, suggestions, or objections as they might desire to offer, and to be heard in the premises. Following the public hearing, and upon due examination of all matters submitted and full consideration of the entire proceeding, the Commission approved and received, respectively, the rules as hereinafter set forth in Group I and Group II. Such rules are promulgated as of this date to become operative thirty (30) days thereafter.

Being designed to foster and promote the maintenance of fair competitive conditions and protection of the public interest, the rules are to be applied to such end and to the exclusion of any acts or practices which suppress competition, fix or control prices through combination, agreement, or conspiracy, or which otherwise restrain trade.

GROUP I

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| Sec. | |
| 183.1 | Misrepresentation as to available supply of fuel oil or other industry products. |
| 183.2 | Deceptive advertising and misrepresentation. |
| 183.3 | Deception as to rebuilt or second-hand products. |
| 183.4 | Misuse of word "free", etc. |
| 183.5 | Selling below cost. |
| 183.6 | Commercial bribery. |
| 183.7 | Use of "loss leaders." |
| 183.8 | Discrimination. |
| 183.9 | Guarantees, warranties, etc. |
| 183.10 | Coercing purchase of an industry product or industry service as a prerequisite to the purchase, lease, or loan of another industry product or industry service. |
| 183.11 | Defamation of competitors or disparagement of their products or services. |
| 183.12 | Aiding or abetting use of unfair trade practices. |

GROUP II

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|---------|------------------|
| 183.101 | Cost records. |
| 183.102 | Rule compliance. |

AUTHORITY: §§ 183.1 to 183.102 Issued under sec. 6 (g), 38 Stat. 722; 15 U. S. C. 46 (g).

GROUP I

The unfair trade practices embraced in the Group I rules herein are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use,

by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

§ 183.1 *Misrepresentation as to available supply of fuel oil or other industry products.* It is an unfair trade practice for any member of the industry to use, or cause or promote the use of, any false or deceptive representation, in advertisements or otherwise, as to the present or future availability or adequacy of supplies of fuel oil or other industry products to meet the needs of users or prospective users.

Nothing herein shall be construed as inhibiting an industry member from expressing opinions as to the probable adequacy of supplies of fuel oil or other industry products when such opinions are based on information of authoritative and reliable character which the industry member honestly believes and when, in conjunction with the expressed opinion, the industry member makes disclosure of the source of information on which he is relying and it is made clear that he is expressing an opinion based on such information. [Rule 1]

§ 183.2 *Deceptive advertising and misrepresentation.* (a) It is an unfair trade practice for any member of the industry to use, publish, circulate, or cause or promote the use, publication, or circulation,

(1) Of any false or deceptive price quotations, price lists, or terms, or conditions of sale; or

(2) Of any representation which is false or tends untruthfully to indicate, by use of title, designation, or otherwise, that any distributor or dealer has been specifically designated by the manufacturer or wholesale distributor to deal in, handle, install, or service a particular brand of industry product, or that any mechanic or other employee used in connection with the installation of or servicing of an industry product has undergone a course of special training; or

(3) Of any false, misleading, or deceptive statement or representation with respect to the grade, quality, performance, construction, composition, design, model, efficiency, safety, or economy of any industry product, or with respect to the origin, manufacture, or distribution of any industry product, or with respect to the installation or servicing of an industry product; or of any statement or representation which is false, misleading, or deceptive in any other respect.

(b) The provisions of this section shall apply to said false, misleading, or deceptive statements or representations regardless of the medium used for their dissemination, whether by oral or written communication or by radio, newspaper, magazine, trade promotional or advertising literature, or other media, or whether by brand, mark, label, or otherwise. [Rule 2]

§ 183.3 *Deception as to rebuilt or second-hand products.* (a) It is an unfair trade practice for any member of the industry to sell, offer for sale, advertise, or otherwise represent any prod-

uct of the industry as being new when such is not the fact.

(b) In the marketing of rebuilt or second-hand products of the industry, or parts thereof, or in the marketing of products containing rebuilt or second-hand parts, it is an unfair trade practice to conceal or fail or refuse to fully and nondeceptively disclose by effective means of identification (such as by tag, label, stamp, or mark firmly affixed to the products, or the immediate containers thereof in which sold and delivered to the consumer, or by invoice, bill or delivery slip accompanying the article and delivered to the purchaser therewith) the fact that such products, or all or certain parts contained therein, are not new, or are used, second-hand, rebuilt, repaired, or refinished after use, such concealment and nondisclosure having the capacity and tendency or effect of misleading the purchasing or consuming public. [Rule 3]

§ 183.4 *Misuse of word "free", etc.* It is an unfair trade practice to use the term "free", or any other term of similar import or meaning, to describe, designate, or refer to any industry product or industry service which is not given to the recipient thereof without cost and unconditionally. [Rule 4]

§ 183.5 *Selling below cost.* The practice of selling or offering for sale industry products and services below the seller's cost, when pursued with wrongful intent of thereby injuring a competitor and where the effect of such practice is to unreasonably restrain trade, tend to create a monopoly, or substantially lessen competition, is an unfair trade practice.

This section is not to be construed as prohibiting all sales below cost, but only such selling below the seller's cost as is resorted to and pursued as a monopolistic practice with the wrongful intent referred to and coupled with the effect of unreasonably restraining trade, tending to create a monopoly, or substantially lessening competition.

The costs referred to in this section are actual costs of the respective seller and not some other figure or average costs in the industry determined by an industry cost survey or otherwise. [Rule 5]

§ 183.6 *Commercial bribery.* It is an unfair trade practice for a member of the industry to give, or offer to give, or permit or cause to be given, directly or indirectly, money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase, or contract to purchase, any industry product or industry service, or to influence such employers or principals to refrain from purchasing the industry products or industry services of competitors or from dealing or contracting to deal with competitors. [Rule 6]

§ 183.7 *Use of "loss leaders."* The practice of selling any industry product

or industry service below the seller's cost as a "loss leader" to induce the purchase of some other industry product or industry service, the sale of the latter being used to recoup the loss sustained on the "loss leader" product or service so sold, with the capacity, tendency, or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public, is an unfair trade practice. [Rule 7]

§ 183.8 *Discrimination—(a) Prohibited discriminatory prices, or rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.* It is an unfair trade practice for any member of the industry engaged in commerce,¹ in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential (whether in the form of product installation or maintenance services or otherwise), where such rebate, refund, discount, credit, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce,¹ and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce,¹ or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination or with customers of either of them: *Provided, however:*

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States;

(2) That nothing herein contained shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

(3) That nothing herein contained shall prevent persons engaged in selling goods, wares, or merchandise in commerce¹ from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing herein contained shall prevent price changes from time to time where made in response to changing conditions affecting either (i) the market for the goods concerned, or (ii) the marketability of the goods, such as, but not limited to, actual or imminent deterioration of perishable goods, obsolescence of seasonal goods, distress sales under court process, or sales in good faith

¹ As here used the word "commerce" means "trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States."

in discontinuance of business in the goods concerned.

(b) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in commerce,¹ in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein, where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce¹ to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member, in the course of such commerce, as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(d) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all purchasers on proportionally equal terms.

(e) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry engaged in commerce,¹ in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this section.

(f) *Purchases by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit.* The foregoing provisions of this section relate to practices within the purview of the Robinson-Patman Antidiscrimination Act, which act and the application thereunder of this section are subject to the limitations expressed in the amendment to such Robinson-Patman Antidiscrimination Act, which amendment was approved May 26, 1938, and reads as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That nothing in the act approved June 19, 1936 (Pub-

lic, Numbered 692, Seventy-fourth Congress, second session), known as the Robinson-Patman Antidiscrimination Act, shall apply to purchases of their supplies for their own use by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit. (52 Stat. 446; 15 U. S. C. 13c)

[Rule 8]

§ 183.9 *Guarantees, warranties, etc.*
(a) Guarantees which afford purchasers or users substantial and adequate protection, and are fully and fairly stated or disclosed and scrupulously adhered to by the guarantor, are desirable and recommended. It is an unfair trade practice to use or cause to be used any guarantee which is false, misleading, deceptive or unfair to the purchasing or consuming public.

(b) Under this section guarantees of the following type or character shall not be used:

(1) Guarantees containing statements, representations, or assertions which have the capacity and tendency or effect of misleading and deceiving in any respect; or

(2) Guarantees which are so used or are of such form, text, or character as to import, imply, or represent that the guarantee is broader than is in fact true, or that the guarantee covers the entire heating system or particular parts thereof which are not in fact covered, or will afford more protection to purchasers or users than is in fact true; or

(3) Guarantees in which any condition, qualification, or contingency applied by the guarantor thereto is not fully and nondeceptively stated therein, or is stated in such manner or form as to be deceptively minimized, obscured, or concealed, wholly or in part; or

(4) Guarantees which are stated, phrased, or set forth in such manner that although the statements contained therein are literally and technically true, the whole is misleading in that purchasers or users are not made sufficiently aware of certain contingencies or conditions applicable to such guarantee which materially lessen the value or protection thereof as a guarantee to purchasers or users; or

(5) Guarantees which purportedly extend for such an indefinite or unlimited period of time or for such a long period of years as to have the capacity and tendency or effect of thereby misleading or deceiving purchasers or users into the belief that the product has or is definitely known to have greater degree of serviceability or durability in actual use than is in fact true; or

(6) Guarantees which have the capacity and tendency or effect of otherwise misrepresenting the performance, serviceability, durability, or lasting qualities of the product, such as, for example, a guarantee extending for a certain number of years or other long period of time when the ability of the product to last, endure, or remain serviceable for such period of time has not been established by actual experience or by competent and adequate tests definitely showing in either case that the product has such lasting qualities under the conditions encountered or to be encountered in

the respective locality where the product is sold and used under the guarantee; or

(7) Purported guarantees in the form of documents, promises, representations or other form which are represented or held out to be guarantees when such is not the fact, or when they are service contracts of the type which are not guarantees, or when they involve any deceptive or misleading use of the word "guarantee" or term of similar import; or

(8) Guarantees issued, or directly or indirectly caused to be used, by any member of the industry when or under which the guarantor fails or refuses to scrupulously observe his obligations thereunder or fails or refuses to make good on claims coming reasonably within the terms of the guarantee; or

(9) Guarantees which in themselves or in the manner of their use are otherwise false, misleading, or deceptive.

(c) This section shall be applicable not only to guarantees but also to warranties, to purported warranties and guarantees, and to any promise or representation in the nature of or purporting to be a guarantee or warranty. [Rule 9]

§ 183.10 *Coercing purchase of an industry product or industry service as a prerequisite to the purchase, lease, or loan of another industry product or industry service.* The practice of coercing the purchase of one or more industry products or industry services as a prerequisite to the purchase, lease, or loan of one or more other industry products or industry services, when the effect may be substantially to lessen competition or tend to create a monopoly or unreasonably to restrain trade, is an unfair trade practice. [Rule 10]

§ 183.11 *Defamation of competitors or disparagement of their products or services.* The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of competitors' products in any respect, or of their business methods, selling prices, values, credit terms, policies, or services, is an unfair trade practice. [Rule 11]

§ 183.12 *Aiding or abetting use of unfair trade practices.* It is an unfair trade practice for any person, firm, or corporation to aid, abet, coerce, or induce another, directly or indirectly, to use or promote the use of any unfair trade practice specified in rules in this part. [Rule 12]

GROUP II

Compliance with trade practice provisions embraced in Group II rules is considered to be conducive to sound business methods and is to be encouraged and promoted individually or through voluntary cooperation exercised in accordance with existing law. Nonobservance of such rules does not per se constitute violation of law. Where, however, the practice of not complying with any such Group II rules is followed in such manner as to result in unfair methods of competition, or unfair or de-

ceptive acts or practices, corrective proceedings may be instituted by the Commission as in the case of violation of Group I rules.

§ 183.101 *Cost records.* It is the judgment of the industry that each member should independently keep proper and accurate records for determining his costs. [Rule A]

§ 183.102 *Rule compliance.* It is the judgment of the industry that fair dealing and ethical business conduct call for a strict adherence by industry members to the principles of Group I rules in the entire conduct of their affairs, and the industry recommends that each member pledge his voluntary acceptance of the rules in this part. [Rule B]

Promulgated by the Federal Trade Commission June 30, 1949.

[SEAL]

D. C. DANIEL,
Secretary.

[F. R. Doc. 49-5268; Filed, June 29, 1949; 8:45 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[4th Gen. Rev. of Export Regs., Amdt. 15]

PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

COMMODITY QUOTAS AND TIME FOR SUBMISSION OF LICENSE APPLICATIONS

Section 372.9 *Commodity quotas and time for submission of license applications* is amended in the following particulars:

1. The following commodity (including the footnote reference and footnote thereto) is deleted from the table Time Schedules for Submission of Applications for the Exportation of Certain Commodities, for the second and third quarters, 1949:

Dept. of Comm. Sched. B No.	Commodity
603595	Electrical (steel) sheets, transformer grades (formerly 603590).

2. The following commodities and related submission period are added to the table Time Schedules for Submission of Applications for the Exportation of Certain Commodities, for the third quarter, 1949:

Dept. of Comm. Sched. B No.	Commodity	Third quarter, 1949
	<i>Hides, and skins, raw, except furs</i>	
020602	Calif skins, dry 1....	[Licensed on monthly basis, applications to be submitted during the first 10 days of the current month.]
020604	Calif skins, wet.....	
020702	Kip skins, dry 1....	
020704	Kip skins, wet.....	

¹ Applications covering calf and kip skins, dry, imported, filed in accordance with the provisions of § 373.10, par. (a) (2), may be submitted at any time.

This amendment shall become effective June 24, 1949.

(Pub. Law 11, 81st Cong.; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Dated: June 15, 1949.

FRANCIS McINTYRE,
Assistant Director,
Office of International Trade.

[F. R. Doc. 49-5262; Filed, June 29, 1949;
8:49 a. m.]

[4th Gen. Rev. of Export Reg., Amdt. 16]

PART 372—PROVISIONS FOR INDIVIDUAL AND
OTHER VALIDATED LICENSES

APPLICATIONS FOR LICENSES TO EXPORT TO
SOUTH KOREA, JAPAN AND MARCUS ISLAND

Section 372.15 *Applications for licenses to export to South Korea, Japan, Marcus Island, and Germany* is amended in the following particulars:

Paragraph (a) *South Korea, Japan, and Marcus Island* is amended to read as follows:

(a) *South Korea, Japan, and Marcus Island.* Applications for licenses to export commodities listed in § 399.1 to

South Korea, Japan, and Marcus Island must be accompanied by a true or photostatic copy of such import permit document as may be required by the appropriate occupying government authorities having jurisdiction over approval of importations to those destinations.

This amendment shall become effective June 24, 1949.

(Pub. Law 11, 81st Cong.; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Dated: June 15, 1949.

FRANCIS McINTYRE,
Assistant Director,
Office of International Trade.

[F. R. Doc. 49-5263; Filed, June 29, 1949;
8:49 a. m.]

[4th Gen. Rev. of Export Reg., Amdt. P. L. 5]

PART 399—POSITIVE LIST OF COMMODITIES
AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive list of commodities* is amended in the following particulars:

1. The following commodity is added to the Positive List:

Dept. of Comm. Sched. B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits
839900	Industrial chemicals (exclusive of medicinal chemicals, U. S. P. and N. F.): Cerium oxide.....		SALT	None

2. The following commodities are deleted from the Positive List:

Dept. of Comm. Sched. B No.	Commodity
003600	Meat products: Beef, canned: tripe and oxtails only. ¹
003700	Pork, canned: dehydrated pork and pork spreads only. ² Other canned meat (report chicken, canned, in 003901): Meat and vegetable hash. Deviled meats, except beef or pork. Kidney stew. Meat gravy. Meat paste. Potted meat, except beef, pork, or chicken.
004100	Kidneys, and kidney knobs, fresh, frozen, or cured, except canned. ³
004500	Beef hearts, fresh or frozen.

By this amendment the descriptions of the commodities remaining on the Positive List under these Schedule B numbers are revised to read as follows:

- ¹ 003600 Beef, canned, except tripe and oxtails.
- ² 003700 Pork, canned, except dehydrated pork and pork spreads; pigs' feet; Philadelphia scrapple; and pork tongue, lunch, pickled, cured, or spiced.
- ³ 004100 Livers, fresh, frozen or cured, except canned.

3. The dollar value limits in the column headed "GLV dollar value limits" set forth opposite each of the commodi-

ties listed below are amended to read as follows:

Dept. of Comm. Sched. B No.	Commodity	GLV dollar value limits
640100	Copper matte, unrefined copper as blister, converter copper, or anodes (copper content).....	100
641200	Refined copper in cathodes, billets, ingots, wire bars or other forms (report copper bars, except wire bars in 642400).....	100
641300	Scrap copper.....	100
642200	Copper pipes and tubes.....	100
642300	Copper plates, sheets, and strips.....	100
642400	Copper rods, and bars (formerly 641200) (report copper weld rods in 642500; and wire bars in 641200).....	100
642500	Copper wire, and cable, bare (include copperweld electrodes, formerly 644908) (report insulated copper wire in 709810, 709830 and 709850).....	100
644000	Brass and bronze scrap and old.....	100
644100	Brass and bronze ingots.....	100
644900	Brass and bronze bars, rods, and unfinished shafting (formerly 644801), and brass and bronze structural shapes (formerly 647906).....	100
647913	Brass and bronze castings and forgings.....	100
647998	Brass and bronze blanks (formerly 644803).....	100
647998	Bronze circles (formerly 647919).....	100
709810	Insulated copper wire and cable: Building wire and cable, formerly 643500 (including rubber-covered building wire, formerly 643000) (report lamp cord in 709850).....	100
709830	Weatherproof wire and slow burning (formerly 643100).....	100
709850	Insulated copper wire, n. e. s. (formerly 643500), except rubber-covered lamp cord (formerly 643000) (report building wire in 709810).....	100

This amendment shall become effective June 24, 1949.

(Pub. Law 11, 81st Cong.; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Dated: June 22, 1949.

W. S. THOMAS,
Acting Assistant Director,
Office of International Trade.

[F. R. Doc. 49-5264; Filed, June 29, 1949;
8:49 a. m.]

TITLE 25—INDIANS

Chapter I—Office of Indian Affairs,
Department of the Interior

Subchapter M—Irrigation Projects: Electrification

PART 131—ELECTRIC POWER SYSTEM

FLATHEAD IRRIGATION PROJECT, MONTANA

On May 3, 1949, there was published in the daily issue of the FEDERAL REGISTER a notice of proposed modifications of §§ 131.1 to 131.54, Part 131, Title 25, Code of Federal Regulations. Interested persons were given opportunity to participate in the preparation of the proposed revision by submitting their views and arguments in writing to the Commissioner of Indian Affairs within 30 days from the time of publication of the notice. No comments or objections, oral or written, having been received by the said Commissioner within the time allowed, the sections referred to are hereby approved and promulgated as follows:

Sec.	Effective date; changes.
131.1	Authority of Project Engineer.
131.2	Disputes.
131.3	Applications; contracts.
131.4	Deposits.
131.5	Extensions.
131.6	Extensions financed by consumer.
131.7	Temporary service.
131.8	Type of service.
131.9	Service connections.
131.10	Connection methods.
131.11	Multiple meter installations.
131.12	Consumer responsibility.
131.13	Change of equipment.
131.14	Apparatus detrimental to service.
131.15	Motor starting equipment.
131.16	Service discontinued.
131.17	Bills for service.
131.18	Special bills.
131.19	Bills due prior to service.
131.20	Delinquent bills.
131.21	Discontinuance by consumer.
131.22	Fraud; tampering.
131.23	Compensation of employees.
131.24	Hardship cases.
131.25	Interruptions to service.
131.26	Contingent upon appropriations.
131.27	
STANDARD RATE SCHEDULES	
131.51	Rate Schedule No. 1; Residential, Urban and Rural.
131.52	Rate Schedule No. 2; Commercial.
131.53	Rate Schedule No. 3; Commercial Water Heating.
131.54	Rate Schedule No. 4; General.

AUTHORITY: §§ 131.3 to 131.54 issued under R. S. 161, 44 Stat. 465, 45 Stat. 212, 46 Stat. 291; 5 U. S. C. 22. Public Law 554, 80th Cong., 2d sess.

§ 131.1 *Effective date; changes.* The regulations in this part are approved for the conduct of the Electric Power Sys-

tem of the Flathead Indian Irrigation Project, Montana, hereinafter referred to as the Project. They shall become effective on the first day of the second calendar month, which begins after the date of publication in the FEDERAL REGISTER. The regulations in this part are subject to change by the proper authority and such changes shall apply to all contracts then and thereafter in effect.

§ 131.2 Authority of Project Engineer. The Project Engineer is responsible for the operation of the Electric Power System and the enforcement of the regulations in this part. He is authorized to carry out and enforce the regulations either directly or through the Power Superintendent or other project employees designated by him.

§ 131.3 Disputes. Any aggrieved party may file with the Project Engineer a written complaint regarding the application of the regulations. Within fifteen days after its receipt, the Project Engineer shall render a written decision thereon and serve a copy thereof on the aggrieved party. Within fifteen days from receipt of such decision, the aggrieved party may take an appeal to the Commissioner of Indian Affairs who shall render his decision within sixty days and his decision shall be final. Pending the determination of an appeal, electric service shall be continued, except in cases in which the question of the existence of dangerous conditions on the premises of the consumer is involved, provided the consumer pays the amount of each bill for electric service prior to the time when it becomes delinquent. If the question of the amount of a bill is involved in an appeal, the consumer shall be deemed to have paid the bill under protest and the payment shall be held in a special deposit account until the final decision has been made.

§ 131.4 Applications; contracts. In order to contract for the delivery of power, a written application for service under existing regulations accompanied by the required cash deposit and guarantees of the required minimum revenues to the Project, shall be filed with the Project Engineer. Upon acceptance by him, the application will become a contract. In general, such application will be accepted where service lines exist. When special terms and conditions are involved in contracting for service, the Project Engineer shall require the execution of a form of contract in which such terms and conditions are fully set forth. Each contract involving the construction of a new extension shall be for a period of at least one year, but if the consumer vacates the premises, he shall be liable for the unpaid guaranteed revenue only to the extent that it is not liquidated by the succeeding occupant of the premises. The Project Engineer is authorized to reject applications which he deems to be adverse to the best interests of the Project.

§ 131.5 Deposits. A cash deposit in an amount equal to twice the estimated monthly bill, but in no case less than \$5.00, will be required from each applicant except that when the premises to be

served are owned by the applicant, no deposit shall be required until a delinquency in the payment of a bill has occurred. Any cash deposit, less the amount of any unpaid bills, shall be refunded after the termination of service. Before extensions are constructed each applicant must deposit an amount sufficient to cover his portion of the required minimum charges for a period of one year, or must otherwise establish his credit and satisfy the project engineer of his intention to take service and his ability to meet the guarantees.

§ 131.6 Extensions. The length of an extension constructed for each dollar of monthly revenue guaranteed to the Project shall not exceed the following:

In urban areas:	Feet
Single-phase extensions.....	100
Three-phase extensions.....	60
In rural areas:	
Single-phase extensions.....	500
Three-phase extensions.....	300

The length of an extension shall include the horizontal length of both the primary and secondary circuits exclusive of the service drops. In so far as practicable, all extensions shall be constructed along established highways. The prospective consumer or consumers, shall furnish or procure satisfactory rights-of-way necessary for the lines and other facilities of the project incidental to the furnishing of service. The Project Engineer may decline to construct any extension which, in his opinion, will be excessive in cost, or detrimental to the best interest of the Project, or for which funds are not available. All extensions when constructed shall be and remain the property of the United States.

§ 131.7 Extensions financed by consumer. If funds, material, or labor are not otherwise available, or if an extension to a prospective consumer will require new construction beyond the distances, specified in § 131.6, the prospective consumer may, after executing an appropriate contract satisfactory to the Project Engineer, construct the needed extension. Such extensions shall be built in accordance with suitable plans and specifications approved by the Project Engineer. The contract may provide that part or all of the cost of the extension shall be refunded to the consumer by allowing him a monthly credit equal to 20 percent of the bill for each month, during the life of the contract or until the specified amount be refunded in full, but no claim for credit shall extend beyond the life of the contract. No refund, however, shall be made if the amount specified in section 6 of the Act of May 25, 1948 (Public Law 554, 80th Congress), will be exceeded. Unless the approval of the Commissioner of Indian Affairs has been secured, no refund shall be made for that portion of an extension not located along a public highway. All extensions constructed under the provisions of this section shall be and remain the property of the United States.

§ 131.8 Temporary service. Temporary service refers to service to circuses, bazaars, fairs, construction works, and other activities or businesses of such a

nature that service to the premises occupied by them will probably be discontinued within five months. An applicant for temporary service shall be required to deposit with the Project a sum of money equal to the estimated cost of installing and removing the necessary facilities and also an additional sum equal to the estimated bill for electric service; *Provided, however,* That such additional sum need not be greater than three times the estimated monthly bill. After termination of service, there shall be refunded any amount remaining on deposit in excess of the actual cost of installing and removing facilities, plus the unpaid amount of bills for electric power and energy, as determined by the Project Engineer.

§ 131.9 Type of service. Service for lights and the usual domestic and other appliances, including motors of less than five horsepower shall be single-phase, nominally 115- or 230-volts, and two- or three-wire, except when special written approval for another type of service has been obtained from the Project Engineer. Three-phase service at suitable voltage may be furnished for motor installations of five horsepower and over, provided a three-phase circuit of the required voltage and capacity is available where the service is desired. All service will be 60 cycle.

§ 131.10 Service connections. On each new service the consumer shall provide and maintain a service entrance at a location convenient to the lines of the Project, and all connections from the service entrance to the meter base and from the meter base to the main line circuit breaker or distribution center. The meter socket and meter will be furnished by the United States. The meter socket shall be installed, however, by the consumer and in a suitable location, preferably on the outside of the building, or service pole, where the meter will be accessible to the meter-reader at all times. The meter socket shall not be more than seven feet nor less than five feet above the ground or floor. The entire service installation must be satisfactory to the Project Engineer and must conform to the provisions then in force of the National Electrical Code of the National Board of Fire Underwriters for Electric Wiring and Apparatus. When alterations of a consumer's premises make it necessary to move an existing meter loop, the consumer may be required to install a meter socket in the new loop, located in conformity with the stipulations of this section. When an inspection is required by municipal ordinance, the Project Engineer shall require a certificate of inspection and approval by the municipal inspector before connecting a new service.

§ 131.11 Connection methods. Service to a consumer's premises will ordinarily be supplied by means of overhead conductors. A consumer may at his own expense provide for an underground service. Such an underground service must be installed in accordance with the provisions of the National Electrical Code and shall be terminated on the pole at a location and in the manner directed

by the Project Engineer. No connection from the circuits of the Electric Power System to a consumer's service entrance shall be made except by the Project or its agents.

§ 131.12 *Multiple meter installations.* In the case of new installations in multiple-occupancy buildings such as apartment houses in connection with which more than one meter in a building is required, the meters shall be assembled at one central location. Each meter shall be clearly marked so as to make it possible to identify the consumer.

§ 131.13 *Consumer responsibility.* The consumer shall furnish, install and maintain at his own risk and expense in good and safe condition all protective devices, electric wires, lines, machinery, apparatus, and appliances which may be required or used for receiving and consuming electric energy obtained from the Project. The consumer shall be responsible for conforming to the regulations of the Fire Marshal of the State of Montana and of the National Board of Fire Underwriters.

§ 131.14 *Change of equipment.* In the event that a consumer proposes to make any material change in the amount, size or character of the electrical equipment installed on his premises, he shall immediately give written notice of his intention to the Project Engineer.

§ 131.15 *Apparatus detrimental to service.* The Project Engineer may refuse to supply loads of a character detrimental to the system, or to service to other consumers, and he may require the installation of suitable corrective devices.

§ 131.16 *Motor starting equipment.* Motors having a rated capacity of three horsepower or more shall be provided with such starting and over-load equipment as may be required by the Project Engineer.

§ 131.17 *Service discontinued.* The Project Engineer may discontinue electric service to any consumer who shall continue to use appliances or apparatus detrimental to the Project after he has been notified to correct the condition and has failed to do so within a reasonable time.

§ 131.18 *Bills for service.* Meters will normally be read and bills for electric service will be rendered at regular intervals. Payments by consumers should be made in person or remitted by check or money order payable to the order of the Treasurer of the United States and mailed to the designated office of the Project.

§ 131.19 *Special bills.* Special bills, removal bills, bills for temporary service, bills rendered when premises are vacated or bills rendered to persons discontinuing service are due on presentation.

§ 131.20 *Bills due prior to service.* Bills for connection or reconnection of service, and required cash deposits shall be paid before service is connected, or reconnected.

§ 131.21 *Delinquent bills.* If payment of a bill is not made on or before the fifteenth day of the month following the

date of its issue, the Project Engineer shall discontinue service and shall not restore the same until the consumer has paid all bills then due as well as a \$2.00 reconnection charge, and satisfied any deposit requirement which may exist under § 131.5. The discontinuance of service shall not relieve the consumer of liability for minimum monthly payments guaranteed by him under his contract.

§ 131.22 *Discontinuance by consumer.* A consumer shall give at least two days' notice of his desire to discontinue service. If such notice is not given, he will be held liable for payment for all electric energy furnished to such vacated premises until service is discontinued.

§ 131.23 *Fraud; tampering.* Service shall be discontinued to any consumer, or to any premises at any time when, in the opinion of the Project Engineer, such action is necessary to protect against abuse, fraud, or theft. Tampering or in any way interfering with meters, transformers, poles, conductors, or any part of the property of the Project is prohibited and is subject to prosecution pursuant to law.

§ 131.24 *Compensation of employees.* All employees are strictly forbidden to demand or accept any personal compensation for services rendered to a consumer, or any gratuity by reason of the rendition of services.

§ 131.25 *Hardship cases.* The Project Engineer may relax temporarily strict enforcement of a regulation when in his judgment such enforcement would work undue hardship upon a consumer but all such cases shall be reported promptly to the Commissioner of Indian Affairs with an explanation by the Project Engineer of the reason for taking such action. The Commissioner of Indian Affairs may cancel the action taken by the Project Engineer.

§ 131.26 *Interruptions to service.* The United States will furnish energy continuously so far as reasonable diligence will permit but the United States, its officers, agents or employees assume no liability for damages due to interruptions of service to the consumer.

§ 131.27 *Contingent upon appropriations.* All contracts are subject to appropriations made by Congress from year to year of monies sufficient to perform the work or render the service provided therein. No liability shall accrue against the United States by reason of the lack of appropriations.

STANDARD RATE SCHEDULES

§ 131.51 *Rate schedule. No. 1: Residential, Urban and Rural—(a) Application of schedule.* This schedule is available for single-phase electric service delivered through one meter to a consumer either urban or rural, for domestic and farm use, including operation of motors no one of which exceeds 5 horsepower in capacity. The electric service is to be used only on the consumer's own premises and must not be resold.

(b) *Monthly rate.*

(1) 4.0 cents per kilowatt-hour for first 50 kilowatt-hours.

(2) 2.0 cents per kilowatt-hour for next 50 kilowatt-hours.

(3) 1.0 cents per kilowatt-hour for next 900 kilowatt-hours.

(4) 1.5 cents per kilowatt-hour for all over 1,000 kilowatt-hours.

(c) *Minimum bill.*

\$1.50 per month in urban districts.
\$3.00 per month in rural districts.

§ 131.52 *Rate Schedule. No. 2: Commercial—(a) Application of schedule.* This schedule is available for single-phase or three-phase electric service not exceeding a maximum demand of 20 kilowatts delivered through one meter for use in lighting, heating, operating appliances, and as power for motors which do not exceed 5 horsepower in capacity. The electric service is to be used only on the consumer's own premises and must not be resold.

(b) *Monthly rate.*

(1) 4.0 cents per kilowatt-hour for first 50 kilowatt-hours.

(2) 2.0 cents per kilowatt-hour for all over 50 kilowatt-hours.

(c) *Minimum bill.*

\$1.50 per month in urban districts.
\$3.00 per month in rural districts.

§ 131.53 *Rate Schedule No. 3: Commercial Water Heating—(a) Application of schedule.* This schedule is available for single-phase electric service delivered through a separate meter for use solely for water heating at 230 volts (nominal) in conjunction with service under either the "Commercial Rate" or "General Rate" and applied to non-inductive, storage type water heaters satisfactory to the Project Engineer. The electric service is to be used only on the consumer's own premises and must not be resold.

(b) *Monthly rate.*

(1) 1.0 cents per kilowatt-hour for all energy used.

(c) *Minimum bill.*

\$2.00 per month per kilowatt of rated capacity of the heater elements.

(d) *Service may be intermittent.* The supply of electric energy under this schedule may, at the discretion of the Project Engineer, be discontinued during intervals of system peak loads and under other operating conditions which make such action desirable from the Project standpoint.

(e) *Withdrawal of rate for violation.* The connection of unauthorized appliances to the water heating circuit or use of the water heating service for other purposes than water heating on the consumer's own premises shall be sufficient cause for withdrawal of the commercial water-heating rate and the refusal to allow it again on the same premises so long as the consumer violating the restriction will benefit therefrom. Service may, however, be rendered such consumer under the "Commercial" or the "General" rate.

§ 131.54 *Rate Schedule No. 4: General—(a) Application of schedule.* This schedule is available for single-phase and three-phase electric services for all purposes. Unless specifically permitted by the contract, use must be limited to

the consumer's premises and the power supplied must not be resold. If more than one meter is required by the consumer's installations, or for the consumer's convenience, a separate computation shall be made for each meter.

(b) *Monthly rate.*

(1) 4.0 cents per kilowatt-hour for first 50 kilowatt-hours per kilowatt of billing demand.

(2) 2.0 cents per kilowatt-hour for next 50 kilowatt-hours per kilowatt of billing demand.

(3) 1.0 cents per kilowatt-hour for all additional kilowatt-hours.

(c) *Discounts.* The following discounts will be applied in accordance with the contract demand as defined below. Discounts do not apply to the minimum charge.

	Percentage
Less than 11 kw. of contract demand.....	0
11 kw. and more but less than 15 kw. of contract demand.....	4
15 kw. and more but less than 20 kw. of contract demand.....	6
20 kw. and more but less than 25 kw. of contract demand.....	8
25 kw. and more but less than 32 kw. of contract demand.....	10
32 kw. and more but less than 40 kw. of contract demand.....	12
40 kw. and more but less than 48 kw. of contract demand.....	14
48 kw. and more but less than 58 kw. of contract demand.....	16
58 kw. and more but less than 70 kw. of contract demand.....	18
70 kw. and more but less than 85 kw. of contract demand.....	20
85 kw. and more but less than 100 kw. of contract demand.....	22
100 kw. and more but less than 125 kw. of contract demand.....	24
125 kw. and more but less than 150 kw. of contract demand.....	26
150 kw. and more but less than 175 kw. of contract demand.....	28
175 kw. and more but less than 210 kw. of contract demand.....	30
210 kw. and more but less than 245 kw. of contract demand.....	32
245 kw. and more but less than 295 kw. of contract demand.....	34
295 kw. and more but less than 360 kw. of contract demand.....	36
360 kw. and more but less than 600 kw. of contract demand.....	38
600 kw. and more but less than 1,000 kw. of contract demand.....	40
1,000 kw. and more but less than 1,600 kw. of contract demand.....	41
1,600 kw. and more but less than 2,400 kw. of contract demand.....	42
2,400 kw. and more but less than 3,500 kw. of contract demand.....	43
3,500 kw. and more but less than 5,000 kw. of contract demand.....	44
5,000 kw. and over of contract demand.....	45

(d) *Additional discount.* If a customer takes delivery at the primary voltage of the distribution or transmission system of the Project and at a location where the Project has adequate and suitable facilities available for such delivery, and if the customer furnishes, installs, operates and maintains the substation or substations with step-down transformers, protective equipment and all other facilities (except metering equipment) needed by the customer in distributing and utilizing the delivered power and energy, all subject to conditions and specifications satisfactory to the Project Engineer, then in that case an additional

discount will be allowed, to be applied after the monthly bill has been computed in accordance with the preceding schedule as follows:

For delivery from the Project distribution system at 2,300 volts or 11,000 volts (nominal), three-phase, a discount of 5 percent.

For three-phase delivery from the project transmission system where not more than one transformation intervenes between the highest voltage of the Project power system and the delivery to the customer—a discount of 8 percent.

(e) *Minimum bill.*

\$1.00 per month per kilowatt of billing demand, but not less than \$10.00 per month.

(f) *Contract demand.* Each contract shall state the number of kilowatts which the customer expects to require and desires to have reserved for his service. This quantity is called the contract demand. The contract demand shall not be less than 10 kilowatts.

(g) *Actual demand.* The actual demand for any month shall be the average amount of power used during that period of 15 consecutive minutes when such average is the greatest for the month as determined by suitable meters, or if meters are unavailable, the actual demand shall be the connected load or such portion of the connected load as the project engineer may determine to be appropriate, based on available information as to the customer's use of connected lights and appliances or from check metering.

(h) *Billing demand.* The billing demand for a month shall be the contract demand or the actual demand for that month, whichever is the greater.

[SEAL] OSCAR L. CHAPMAN,
Under Secretary of the Interior.

JUNE 24, 1949.

[F. R. Doc. 49-5212; Filed, June 29, 1949;
9:09 a. m.]

TITLE 29—LABOR

Chapter IV—Child Labor Branch, Department of Labor

[Reg. 30]

PART 402—ACCEPTANCE OF STATE CERTIFICATES

DESIGNATION OF STATES

§ 402.1 *Designation of States.* Pursuant to the provisions of § 401.5,¹ I hereby designate the following States as States in which State age, employment, or working certificates or permits shall have the same force and effect as Federal certificates of age under the Fair Labor Standards Act of 1938, c. 676, 52 Stat. 1060, 29 U. S. C. sec. 201:

Alabama.	Connecticut.
Arizona.	Delaware.
Arkansas.	District of
California.	Columbia.
Colorado.	Florida.

¹ Refers to section 5, Child Labor Regulations No. 1, "Certificates of Age," issued October 14, 1938, pursuant to the authority conferred by sections 3 (l) and 11 (b) of the Fair Labor Standards Act of 1938 (29 CFR, Chapter IV, Part 401).

Georgia.	New Mexico.
Hawaii.	New York.
Illinois.	North Carolina.
Indiana.	North Dakota.
Iowa.	Ohio.
Kansas.	Oklahoma.
Kentucky.	Oregon.
Louisiana.	Pennsylvania.
Maine.	Puerto Rico.
Maryland.	Rhode Island.
Massachusetts.	South Dakota.
Michigan.	Tennessee.
Minnesota.	Utah.
Missouri.	Vermont.
Montana.	Virginia.
Nebraska.	Washington.
Nevada.	West Virginia.
New Hampshire.	Wisconsin.
New Jersey.	Wyoming.

(Secs. 3 (l), 11 (b), 52 Stat. 1061, 1066;
29 U. S. C. 203 (l), 211 (b))

This designation shall be effective from July 1, 1949, until June 30, 1950, unless this regulation is amended or repealed by regulation hereafter made and published by the Secretary of Labor.

Dated: June 27, 1949.

MAURICE J. TOBIN,
Secretary of Labor.

[F. R. Doc. 49-5265; Filed, June 29, 1949;
9:25 a. m.]

TITLE 34—NATIONAL MILITARY ESTABLISHMENT

Chapter V—Department of the Army

JOINT PROCUREMENT REGULATIONS

MISCELLANEOUS AMENDMENTS

The Joint Procurement Regulations formerly published as Parts 801 to 813, inclusive, of Chapter VIII, Title 10, are amended by changing the words "Current Procurement Branch, SS&P Division, General Staff, U. S. Army," appearing in § 803.101-3 (j), to read "the Procurement Information Center, Office of the Assistant Secretary of the Army, Washington 25, D. C.," adding a sentence to §§ 805.303-2 (e) and 805.303-3 (d), and revising §§ 805.702 and 807.303, to read as follows:

§ 805.303-2 *Numbered contracts.*

(e) * * *. Such copies may be distributed prior to the distribution of the signed numbers referred to in § 805.303, provided each is plainly marked as an "Advance Copy," and other adequate safeguards are taken to insure that there will be no improper fiscal charges due to contracts not being carried through to execution.

§ 805.303-3 *Unnumbered contracts.*

(d) * * *. Such copies may be distributed prior to the distribution of the signed numbers referred to in § 805.303, provided each is plainly marked as an "Advance Copy," and other adequate safeguards are taken to insure that there will be no improper fiscal charges due to contracts not being carried through to execution.

§ 805.702 *Procurement of spare parts.* Certain restrictions and procedures have

been prescribed with respect to the procurement of spare parts. Within the Department of the Army, such restrictions and procedures are set forth in SR 700-70-5; within the Department of the Air Force, such restrictions and procedures are set forth in AFR 65-80.

§ 807.303 *Supply and control of standard forms.* (a) Standard Forms 1094, 1094A, 1094B, and 1094C will be requisitioned and distributed as prescribed in AR 310-90 for Army activities and oversea commands, and as prescribed in AFM 67-1 for Air Force activities (ZI).

(b) Such forms will be subject to special control as prescribed in paragraph 12, AR 310-100.

(c) In addition to the special control prescribed by paragraph 12, AR 310-100, the following will govern in the situations set forth:

(1) Certificates executed but unused, or erroneously issued, mutilated, or otherwise rendered unserviceable, will be returned to the issuing officer, who will destroy the certificates and account therefor pursuant to paragraph 12e, AR 310-100.

(2) The officer who issued a tax exemption certificate which has been lost or destroyed is authorized to issue a replacing certificate to the contractor or other proper party as follows:

(i) Where the certificate is lost or destroyed after it is issued to the contractor, the contractor must:

(a) Establish to the satisfaction of the issuing officer that the certificate was lost or destroyed;

(b) Submit an affidavit setting forth the circumstances; and

(c) Request the issuance of a replacement certificate.

(ii) Where the tax exemption certificate is lost or destroyed by an activity, the replacing certificate will be requested by and issued to the activity cognizant of its loss.

(3) Replacement certificates will bear the following legend, using the words applicable:

This certificate is issued to replace No. _____ which has been lost (or destroyed).

[Proc. Cir. 17, June 16, 1949] (Pub. Law 413—80th Cong.)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 49-5226; Filed, June 29, 1949;
9:09 a. m.]

TITLE 37—PATENTS, TRADE-MARKS, AND COPYRIGHTS

Chapter I—Patent Office, Department of Commerce

Subchapter B—Trade-Marks

PART 100—RULES OF PRACTICE IN TRADE-MARK CASES

ADVERTISING

The time for taking effect of § 100.44 of Part 100 (12 F. R. 3956, June 19, 1947) is further extended to January 1, 1950. As stated in the note to § 100.44 (13 F. R. 9575, 9602, December 31, 1948) paragraphs 4 and 5 of § 5.11 of deleted Part 5, reproduced in the note, shall be in effect until § 100.44 comes into effect.

(R. S. 487, 60 Stat. 440; 15 U. S. C. 1123, 35 U. S. C. 11)

[SEAL] THOMAS F. MURPHY,
Acting Commissioner of Patents.

Approved:

CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 49-5261; Filed, June 29, 1949;
9:09 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S. O. 817, Amdt. 4]

PART 95—CAR SERVICE

REDUCED RATES ON GIANT REFRIGERATOR CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 24th day of June A. D. 1949.

Upon further consideration of Service Order No. 817 (13 F. R. 3320), as amended

(13 F. R. 3738, 5278, 8309), and good cause appearing therefor: It is ordered, that:

Section 95.817 *Reduced rates on giant type refrigerator cars*, of Service Order No. 817 be, and it is hereby further amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This section shall expire at 11:59 p. m., October 31, 1949, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Tariff provisions suspended. The operation of all tariff rules, regulations, or charges insofar as they conflict with this order is hereby suspended.

Announcement of suspension. Each railroad, or its agent, shall file and post a supplement to each of its tariffs affected hereby, substantially in the form authorized in Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of the operation of any of the provisions therein, and establishing the substituted provisions set forth.

Effective date. This amendment shall become effective at 11:59 p. m., July 9, 1949.

It is further ordered, That a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, 485; sec. 4, 10; 54 Stat. 901, 912; 49 U. S. C. 1 (10)—(17), 15 (4))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 49-5221; Filed, June 29, 1949;
8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Narcotics

[21 CFR, Ch. II]

BEMIDONE, ETC.

ADDICTION-FORMING OR ADDICTION-SUSTAINING LIABILITY

Correction

In Federal Register Document 49-5093, appearing on page 3471 of the issue for Saturday, June 25, 1949, paragraph 5 of the list of drugs should read:

5. N. I. H.-2933: 6-dimethylamino-4,4-di-phenyl-3-heptanol.

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

UNION STOCK YARDS, LAFAYETTE, INDIANA

DEPOSTING OF STOCKYARD

The Secretary of Agriculture has information that the Union Stock Yards at LaFayette, Indiana, originally posted on November 1, 1921, as being subject to the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), no longer comes within the definition of a stockyard under said act, because it is not presently being operated as a public market.

Therefore, notice is hereby given that the Secretary of Agriculture proposes to

issue a rule deposing said stockyard, after which it will no longer be subject to the provisions of said act. Any interested person who desires to do so may submit, within 15 days after the publication of this notice, any data, views, or argument, in writing, on the proposed rule to the Director of the Livestock Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

Done at Washington, D. C., this 24th day of June 1949.

[SEAL] H. E. REED,
Director, Livestock Branch,
Production and Marketing
Administration.

[F. R. Doc. 49-5267; Filed, June 29, 1949;
8:50 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

SHORE SPACE RESTORATION NO. 423

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059, 48 U. S. C. 372), and in accordance with 43 CFR, 4.275 (56) (Departmental Order No. 2325 of May 24, 1947, 12 F. R. 3566), and Order No. 319 of July 19, 1948 (43 CFR 50.451, 13 F. R. 4278), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the 80-rod shore space reserve created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028, 48 U. S. C. 371), is hereby revoked as to the following described lands:

- T. 5 N., R. 11 W., Seward Meridian.
Sec. 6: Lots 6 and 10.
- T. 2 S., R. 14 W., Seward Meridian.
Sec. 32: Lots 1 and 2.
- T. 4 S., R. 15 W., Seward Meridian.
Sec. 27: Lots 4, 6 and 7.

The areas described aggregate approximately 254 acres.

No application for these lands may be allowed under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), unless the land has already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application.

At 10:00 a. m. on July 28, 1949, the lands shall, subject to valid existing rights and the provisions of existing withdrawals become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from July 28, 1949, to October 26, 1949, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or homestead laws, or the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a) as amended by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. 279-283), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from July 8, 1949, to July 27, 1949, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those pre-

sented at 10:00 a. m. on July 28, 1949, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public land laws.* Commencing at 10:00 a. m. on October 27, 1949, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from October 7, 1949, to October 26, 1949, inclusive, and all such applications, together with those presented at 10:00 a. m. on October 27, 1949, shall be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), to the extent that such regulations are applicable. Applications under the homestead and homestead laws shall be governed by the regulations contained in Parts 64, 65 and 66, of Title 43 of the Code of Federal Regulations and applications under the Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that Title.

Inquiries concerning these lands shall be addressed to the District Land Office at Anchorage, Alaska.

LOWELL M. PUCKETT,
Regional Administrator.

[F. R. Doc. 49-5208; Filed, June 29, 1949;
8:47 a. m.]

ARIZONA

CLASSIFICATION ORDER

JUNE 23, 1949.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management by Order No. 319 dated July 19, 1948 (43 CFR 50.451 (b) (3), 13 F. R. 4278), I hereby classify under the Small

Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a), as hereinafter indicated, the following described land in the Phoenix, Arizona, land district embracing 320 acres:

ARIZONA SMALL TRACT CLASSIFICATION No. 16

For lease and sale for home and cabin sites only:

- T. 4 N., R. 2 E., G. & S. R. B. & M., Arizona
Sec. 33, NW ¼
- T. 3 N., R. 2 E., G. & S. R. B. & M., Arizona
Sec. 3, SE ¼

These lands are located approximately 12 miles north and from 2 to 3 miles west of Phoenix, Arizona, and are accessible by 19th Avenue out of Phoenix and subsidiary roads. The topography is level to rolling and the soil is sandy. The climate is semi-arid. Water must be obtained by drilling wells. The nearest railroad station and community is Glendale, Arizona, a city of approximately 10,000 inhabitants about 7 miles south of the land. Glendale has all necessary business, educational, recreational and religious facilities.

2. As to applications regularly filed prior to 10:00 o'clock a. m., on April 9, 1946, and which are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not become effective to permit the leasing under the Small Tract Act until 10:00 a. m. on August 25, 1949. At that time such land shall, subject to valid existing rights, become subject to application as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m. August 25, 1949, to the close of business on November 23, 1949.

(b) Advance period for veterans' simultaneous filings extends from 10:00 a. m. April 9, 1946, to the close of business on November 23, 1949.

4. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally, commencing at 10:00 a. m. on November 24, 1949.

(a) Advance period for simultaneous non-preference right filings from 10:00 a. m. April 9, 1946, to close of business on November 24, 1949.

5. Applications filed within the periods mentioned in paragraphs 3 (b) and 4 (a) shall be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof

in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All of the land will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimensions to extend north and south.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimensions specified in paragraph 6.

8. Where only one five-acre tract in a ten-acre subdivision is embraced in a preference right application, an application for the remaining five-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of five years at an annual rental of \$5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of \$25.00 an acre, application for which may be filed at or after the expiration of one year from date the lease is issued.

10. Tracts will be subject to rights-of-way not exceeding 33 feet in width along or near the edges thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the State, county or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

11. All inquiries relating to these lands should be addressed to the Manager, District Land Office, Phoenix, Arizona.

E. R. SMITH,
Regional Administrator.

[F. R. Doc. 49-5207; Filed, June 29, 1949;
8:46 a. m.]

ARIZONA CLASSIFICATION ORDER

JUNE 23, 1949.

1. Pursuant to authority delegated to me by the Director, Bureau of Land Management by Order No. 319 dated July 19, 1948 (43 CFR 50.451 (b) (3), 13 F. R. 4278), I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a), as hereinafter indicated, the following described land in the Phoenix, Arizona, land district embracing 200 acres:

ARIZONA SMALL TRACT CLASSIFICATION No. 17
For lease and sale for home and cabin sites only:

T. 7 N., R. 5 W., G. & S. R. B. & M., Arizona.
Sec. 9, SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ S $\frac{1}{2}$.

No. 125—3

2. These lands lie from 2 to 8 miles west of Wickenburg, Arizona. The elevation above sea level is about 2,200 feet. The topography is rolling to slightly hilly and the soil is sandy and interspersed with gravel and rock. The climate is semi-arid, the annual precipitation of moisture being about 10 to 12 inches.

U. S. Highway 60-70 which connects eastern points with southern California traverses the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 9 and renders access to the lands very easy.

Wickenburg is a town of approximately 3,500 inhabitants and is a widely known health and winter recreational resort, frequently called "the dude ranch capitol of the world". The town is located on a north and south line of the Atchison, Topeka & Santa Fe Railroad and at the Junction of U. S. Highway 60-7 and U. S. Highway 89. Wickenburg has approximately 3,500 inhabitants and has all business, educational, religious and recreation facilities.

3. As to applications regularly filed prior to 4:00 p. m. November 26, 1946, and which are for the type of site for which the lands are classified, this order shall become effective upon the date it is signed.

4. As to the land not covered by applications referred to in paragraph 3, this order shall not become effective to permit leasing under the Small Tract Act until 10:00 a. m. on August 25, 1949. At that time such land shall, subject to valid existing rights, become subject to application as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m. August 25, 1949, to the close of business on November 23, 1949.

(b) Advance period for veterans' simultaneous filings extends from 10:00 a. m. April 9, 1946 to the close of business on November 23, 1949.

5. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally, commencing at 10:00 a. m. on November 24, 1949.

(a) Advance period for simultaneous non-preference right filings from 10:00 a. m. on April 9, 1946 to close of business on November 24, 1949.

6. Applications filed within the periods mentioned in paragraphs 4 (b) and 5 (a) will be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

7. All of the land will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the

longer dimensions to extend north and south.

8. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimensions specified in paragraph 6.

9. Where only one five-acre tract in a ten-acre subdivision is embraced in a preference right application, an application for the remaining five-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

10. Leases will be for a period of 5 years at an annual rental of \$5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at appraised values as follows:

Section 9:	Per acre
N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, 20 acres-----	\$50.00
S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, 20 acres-----	25.00
S $\frac{1}{2}$ S $\frac{1}{2}$, 80 acres-----	25.00

11. Tracts will be subject to rights-of-way not exceeding 33 feet in width along or near the edges thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the State, county or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

12. All inquiries relating to these lands should be addressed to the Manager, District Land Office, Phoenix, Arizona.

E. R. SMITH,
Regional Administrator.

[F. R. Doc. 49-5206; Filed, June 29, 1949;
8:46 a. m.]

CALIFORNIA

SMALL TRACT CLASSIFICATION ORDER 148 Correction

JUNE 17, 1949.

In Federal Register Document 49-4637, appearing on page 3143 of the issue of Thursday, June 9, 1949 (Vol. 14, No. 110), the third line of section 3 (b) of the original document is corrected to read March 26, 1946, instead of March 22, 1946.

L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 49-5210; Filed, June 29, 1949;
8:47 a. m.]

NEVADA

CLASSIFICATION ORDER

JUNE 15, 1949.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 319 dated July 19, 1948 (43 CFR 50.451 (b) (3),

13 F. R. 4278), I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a), as hereinafter indicated, the following described land in the Carson City, Nevada, land district, embracing 80 acres,

NEVADA SMALL TRACT CLASSIFICATION No. 39

For lease and sale of homesites only:

T. 20 N., R. 19 E., M. D. M.,

Sec. 27, NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$.

This land is situated in Washoe County, Nevada, about 2½ miles north of the city of Reno. U. S. Highway 395 crosses the land. The elevation is about 5000 feet and the climate similar to that found in Reno. The air is normally dry and clear, providing a good view of the surrounding desert country. The area is within easy commuting distance of Reno.

2. As to applications regularly filed prior to 9:00 a. m., January 10, 1949, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not become effective to permit leasing under the Small Tract Act until 10:00 a. m., August 17, 1949. At that time such land shall, subject to valid existing rights, become subject to application as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m., August 17, 1949, to the close of business on November 15, 1949.

(b) Advance period for veterans' simultaneous filings from 9:00 a. m., January 10, 1949, to the close of business on August 17, 1949.

4. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally, commencing at 10:00 a. m., November 16, 1949.

(a) Advance period for simultaneous nonpreference filings from 9:00 a. m., January 10, 1949, to the close of business on November 16, 1949.

5. Applications filed within the periods mentioned in paragraphs 3 (b) and 4 (a) will be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All of the land will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimensions to extend east and west.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimensions specified in paragraph 6.

8. Where only one five-acre tract in a ten-acre subdivision is embraced in a preference right application, an application for the remaining five-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of five years at an annual rental of \$5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of \$10.00 an acre, application for which may be filed at or after the expiration of one year from date the lease is issued.

10. Tracts will be subject to rights-of-way not exceeding 33 feet in width along or near the edges thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the State, County or municipality in which the tract is situated, or by any agency thereof. The rights-of-way, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

Tracts in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ are subject to a 400 foot highway right-of-way for U. S. Highway 395, and the right-of-way of the Western Pacific Railroad.

Tracts in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ are subject to a 400 foot highway right-of-way for U. S. Highway 395, and other existing rights-of-way.

11. All inquiries relating to these lands should be addressed to the Acting Manager, District Land Office, Carson City, Nevada.

L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 49-5209; Filed, June 29, 1949;
8:47 a. m.]

Office of the Secretary

[Order 2524]

BUREAU OF RECLAMATION

DELEGATION OF AUTHORITY

SECTION 1. *Inclusion or exclusion of lands.* The Commissioner of Reclamation may approve, with respect to the Columbia Basin Project, the inclusion of lands within, or the exclusion of lands from, irrigation districts or from the control of other water users' organizations whenever the repayment obligation of the irrigation district or other water users' organization as adjusted thereby will not be impaired; and, in the case of all other projects, approve such inclusions or exclusions of lands whenever the repayment obligation of an irrigation district or other water users' organization will not be impaired thereby.

SEC. 2. *Redelegation.* The authority granted in section 1 of this order may be

re delegated pursuant to 43 CFR, 1946 Supp., 4.412 (b).

SEC. 3. *Revocations; savings clause.* This order supersedes 43 CFR, 1946 Supp., 4.412 (a) (9); section 1 (i) of Order No. 2018 (10 F. R. 259) and Order No. 2511, dated February 18, 1949. Re-delegations of the authority contained in section 1 (i) of Order No. 2018 and Order No. 2511, dated February 18, 1949, which have been made pursuant to 43 CFR, 1946 Supp., 4.412 (b) and which are in force on the effective date of this order shall remain in force until revoked or superseded.

(5 U. S. C., 1946 ed., 22; 16 U. S. C., 1946 ed., 5902-11)

J. A. KRUG,
Secretary of the Interior.

JUNE 23, 1949.

[F. R. Doc. 49-5211; Filed, June 29, 1949;
8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 9249, 9250]

SAN FERNANDO VALLEY BROADCASTING CO.
ET AL.

ORDER CONTINUING HEARING

In re applications of San Fernando Valley Broadcasting Company, San Fernando, California, Docket No. 9249, File No. BR-1950, for renewal of License of Station KGIL; and Helen Ruth Allen, Executrix, (Transferor) Estate of C. P. M. Allen, deceased, Fayette J. Smalley, Jr. (Transferee); Docket No. 9250, File No. BTC-684, for consent to the transfer of control of San Fernando Valley Broadcasting Company, licensee of Station KGIL, San Fernando.

The Commission having scheduled a hearing upon the above-entitled proceeding for June 22, 1949, at San Fernando, California; and

It appearing, that there is pending before the Commission a petition for consent to transfer of stock and waiver of hearing, and a petition which, in effect, requests reconsideration and grant without hearing of the above-entitled application for renewal of license filed on May 20 and 31, 1949, respectively;

It is ordered, This 3d day of June, 1949, on the Commission's own motion, that the hearing upon the above-entitled proceeding is continued indefinitely pending action on the said petitions.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-5230; Filed, June 29, 1949;
9:21 a. m.]

[Docket No. 9194]

AFRO AMERICAN BROADCASTING SYSTEM,
INC.

ORDER CONTINUING HEARING

In re application of Afro American Broadcasting System, Inc., Hopkins Park, Illinois, Docket No. 9194, File No. BP-6673; for construction permit.

The Commission having under consideration a petition filed May 26, 1949, by Afro American Broadcasting System, Incorporated, Hopkins Park, Illinois, requesting that the hearing on its above-entitled application be continued from June 13, 1949, to September 12, 1949;

It is ordered, This 3d day of June 1949, that the petition is granted; and that the hearing on the above-entitled application is continued to 10:00 a. m., Monday, September 12, 1949, at Washington, D. C.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-5231; Filed, June 29, 1949;
8:52 a. m.]

[Docket No. 9157]

FORT INDUSTRY CO. (WSPD) AND NORTHEASTERN INDIANA BROADCASTING CO., INC. (WKJG)

ORDER CONTINUING HEARING

In the matter of the petition of The Fort Industry Company (WSPD), for designation for hearing of application of Northeastern Indiana Broadcasting Company, Inc. (WKJG), Fort Wayne, Indiana, Docket No. 9157, File No. BMP-3332; for modification of construction permit.

The Commission having under consideration a joint petition filed May 27, 1949, by The Fort Industry Company (WSPD), and Northeastern Indiana Broadcasting Company, Inc. (WKJG), requesting that the hearing presently scheduled for June 13, 1949, in the above-entitled proceeding be continued for sixty days;

It is ordered, This 3d day of June 1949, that the petition is granted; and that the hearing in the above-entitled proceeding is continued to 10:00 a. m., Thursday, August 18, 1949.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-5232; Filed, June 29, 1949;
8:58 a. m.]

[Docket No. 9322]

TIMES-PICAYUNE PUBLISHING CO.

ORDER SCHEDULING HEARING

In re application of The Times-Picayune Publishing Company, Docket No. 9322, File No. BMPCT-466; for additional time in which to complete construction of TV Station WTPS-TV, New Orleans, Louisiana.

The Commission having on May 18, 1949, designated the above-entitled application for hearing on specified issues; and

It appearing, that it is the Commission's established policy to schedule early hearing dates on proceedings of this nature;

It is ordered, This 3d day of June, 1949, on the Commission's own motion, that

the hearing upon the above-entitled application is scheduled for 10:00 a. m., Tuesday, August 2, 1949, at Washington, D. C.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-5233; Filed, June 29, 1949;
8:59 a. m.]

[Docket No. 9329]

JOHN M. MORENO

ORDER SCHEDULING HEARING

In the matter of John M. Moreno, 4111 Folsom Street, Los Angeles, California, Docket No. 9329; denial of application for amateur radio operator license.

It is ordered, This 7th day of June 1949, upon the Commission's own motion, that the hearing in the above-entitled matter be held commencing at 10:00 a. m., on the 17th day of August, 1949, at Los Angeles, California;

It is further ordered, That Elizabeth C. Smith be assigned as hearing examiner in the above-entitled matter at the time and place aforesaid;

It is further ordered, That the licensee be provided with duplicate copies of this order.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is applicable to this proceeding.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-5235; Filed, June 29, 1949;
8:52 a. m.]

[Docket No. 9316]

HERMITAGE BROADCASTING CORP.

ORDER CONTINUING HEARING

In re application of Hermitage Broadcasting Corporation, Nashville, Tennessee, Docket No. 9316, File No. BP-6488; for construction permit.

The Commission having under consideration a petition filed June 3, 1949 by Middle Tennessee Broadcasting Company (WKRM), Columbia, Tennessee, respondent in the above-entitled matter, for amendment of notice of hearing of the application in said matter, and for continuance of the hearing now scheduled for June 10, 1949 in Washington, D. C. before the undersigned Hearing Examiner; and the objection to said petition filed June 8, 1949 by Hermitage Broadcasting Corporation, Nashville, Tennessee; and

It appearing, that insofar as the petition requests amendment of issues set forth in the notice of hearing of the application, it is addressed to the Commission en banc under § 1.751 of the Commission's rules, and that there is not sufficient time prior to the date of hearing, as now scheduled for June 10, 1949, to permit consideration by the Commission; and

It appearing, that the applicant has filed its application upon a site-to-be-determined basis; that in order accurately to determine the extent, if any, of interference which may be caused to the existing operation of the respondent Middle Tennessee Broadcasting Company (WKRM), it is necessary that the applicant specify the site upon which the transmitter and antenna will be located; and

It appearing further, that the applicant has orally agreed to amend its application so as to specify such a site and will file a petition to amend its application in that regard within two or three weeks; and has agreed to a continuance;

It is ordered, This 9th day of June, 1949, that insofar as the petition requests a continuance, the hearing in the above-entitled matter be, and it is hereby continued to 10:00 o'clock a. m., Tuesday, July 12, 1949, at Washington, D. C.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] FANNEY N. LITVIN,
Hearing Examiner.

[F. R. Doc. 49-5236; Filed, June 29, 1949;
8:52 a. m.]

[Docket Nos. 9263, 9264]

MIDWEST BROADCASTING CO. (WMAW)
ET AL.

ORDER CONTINUING HEARING

In re application of Midwest Broadcasting Company (WMAW), Milwaukee, Wisconsin, Docket No. 9263, File No. BL-3062, for license to cover construction permit for standard broadcast station WMAW; Myrtle D. Uihlein (deceased), (transferor), and Clifford A. Randall and Wilke M. Zimmers, co-executors of the estate of Myrtle D. Uihlein, (transferees), Docket No. 9264, File No. BTC-682, for consent to involuntary transfer of control of Midwest Broadcasting Company.

The Commission having before it a motion filed by Midwest Broadcasting Company, Clifford A. Randall and Wilke M. Zimmers, requesting that the hearing upon the above-entitled applications, now scheduled to be heard at Milwaukee, Wisconsin, beginning June 15, 1949, be continued until August 15, 1949, Commission counsel having consented to a waiver of the provisions of § 1.745 of the rules and regulations of the Commission, and

It appearing that good cause for a continuance having been shown, and that public interest, convenience and necessity will be served by a continuance of the hearing;

It is ordered, This 9th day of June 1949, that the hearing on the above-entitled applications be continued to 10:00 a. m., Monday, August 15, 1949, at Milwaukee, Wisconsin.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BASIL P. COOPER,
Hearing Examiner.

[F. R. Doc. 49-5237; Filed, June 29, 1949;
8:52 a. m.]

NOTICES

[Docket No. 8246]

YORK BROADCASTING CO. (WORK)

ORDER CONTINUING HEARING

In the matter of the petition of York Broadcasting Company (WORK), York, Pennsylvania, Docket No. 8246, File No. BP-5907.

The Commission having under consideration a petition filed by York Broadcasting Company (WORK) York, Pennsylvania, for a continuance of 90 days of the hearing scheduled for June 20, 1949; and

It appearing, that there are no other parties or interveners to the proceedings and that no opposition to the petition has been filed;

It is ordered, This 10th day of June 1949, that the petition be, and it is hereby, granted and the hearing scheduled for June 20, 1949 is continued to September 20, 1949.

FEDERAL COMMUNICATIONS
COMMISSION,[SEAL] J. FRED JOHNSON, JR.,
Hearing Examiner.[F. R. Doc. 49-5239; Filed, June 29, 1949;
8:52 a. m.]

[Docket No. 9164]

RADIO CORP. OF ARIZONA, INC.

ORDER CONTINUING HEARING

In the matter of the petition of Radio Corporation of Arizona, Inc., Phoenix, Arizona, Docket No. 9164, File No. BP-6607.

The Commission having under consideration the petition filed on June 6, 1949 by Radio Corporation of Arizona, Inc., requesting continuance of the hearing now scheduled for June 13, 1949.

It is ordered, This 10th day of June 1949, that the hearing in this proceeding be continued until July 18, 1949 at 10 o'clock a. m.

FEDERAL COMMUNICATIONS
COMMISSION,[SEAL] ELIZABETH C. SMITH,
Hearing Examiner.[F. R. Doc. 49-5240; Filed, June 29, 1949;
8:52 a. m.]

[Docket No. 9230]

COSTON-TOMPKINS BROADCASTING CO.

ORDER CONTINUING HEARING

In the matter of the petition of Coston-Tompkins Broadcasting Company, a partnership composed of James Goodrich Coston and Julian Lanier Tompkins, Ironton, Ohio, Docket No. 9230, File BP-6902.

The Commission having under consideration the petition filed by the above named applicant on June 3, 1949, requesting a continuance of the hearing now scheduled for July 6, 1949.

It is ordered, This 10th day of June 1949, that such hearing be continued

until September 14, 1949 at 10 o'clock a. m.

FEDERAL COMMUNICATIONS
COMMISSION,[SEAL] ELIZABETH C. SMITH,
Hearing Examiner.[F. R. Doc. 49-5241; Filed, June 29, 1949;
8:53 a. m.]

[Docket No. 8460]

RADIO LAKEWOOD, INC.

ORDER CONTINUING HEARING

In re application of Radio Lakewood, Inc., Lakewood, Ohio, Docket No. 8460, File No. BP-5949; for construction permit.

The Commission having under consideration a petition of Radio Lakewood, Inc., Lakewood, Ohio, requesting a continuance of the hearing on its application for construction permit, and good cause having been shown for the requested continuance;

It is ordered, This the 10th day of June 1949, that the hearing in the above-entitled proceeding, presently scheduled to begin June 13, 1949, be continued to a date to be announced later.

FEDERAL COMMUNICATIONS
COMMISSION,[SEAL] BASIL P. COOPER,
Hearing Examiner.[F. R. Doc. 49-5242; Filed, June 29, 1949;
8:53 a. m.]

[Docket Nos. 9227, 9228]

MATHESON RADIO CO., INC. (WHDH) AND
NATIONAL BROADCASTING CO., INC. (KOA)

ORDER CONTINUING HEARING

In re petitions of Matheson Radio Company, Inc. (WHDH), Boston, Massachusetts, Docket No. 9227; National Broadcasting Company, Inc. (KOA), Denver, Colorado, Docket No. 9228; for reconsideration of Commission action granting the modification of CP application (BMP-3757) of Champlain Valley Broadcasting Corporation (WXXW) Albany, New York; for designation of the said modification CP application and permittee's license application (BL-3347) for hearing for termination or modification of authority for WXXW to conduct program tests; and for other relief.

The Commission having under consideration a Petition filed June 10th, 1949, by Champlain Valley Broadcasting Corporation (WXXW), Albany, New York, respondent in the above-entitled matter, requesting a 90-day postponement of the hearing now scheduled for June 22, 1949; and

It appearing, that all parties have consented to the granting of the petition for continuance as requested;

It is ordered, This 10th day of June 1949, that the petition be and it is hereby granted; and the hearing in the above-

entitled matter be and it is hereby continued to the 22d day of September 1949.

FEDERAL COMMUNICATIONS
COMMISSION,[SEAL] FANNY N. LITVIN,
Hearing Examiner.[F. R. Doc. 49-5243; Filed, June 29, 1949;
8:53 a. m.]

[Docket No. 8599]

L. W. ANDREWS, INC.

ORDER CONTINUING HEARING

In re: Application of L. W. Andrews, Inc., Davenport, Iowa, Docket No. 8599, File No. BP-6316; for construction permit.

The Commission having under consideration a petition filed June 8th, 1949, by L. W. Andrews, Inc., Davenport, Iowa, requesting an indefinite continuance of the hearing on the above entitled and numbered application; and

It appearing that said petition sets forth sufficient supporting facts to warrant a grant thereof;

It is ordered, This 10th day of June 1949, that the petition is granted, and that the hearing on the above-entitled and numbered application be, and it is hereby continued without date.

FEDERAL COMMUNICATIONS
COMMISSION,[SEAL] LEO RESNICK,
Hearing Examiner.[F. R. Doc. 49-5245; Filed, June 29, 1949;
8:53 a. m.]

[Docket No. 8176]

TERRELL BROADCASTING CORP.

ORDER CONTINUING HEARING

In the matter of Terrell Broadcasting Corporation, Terrell, Texas, Docket No. 8176, File No. BP-5778; for construction permit.

The Commission having under consideration a petition filed by Terrell Broadcasting Corporation on June 8, 1949, requesting ninety days continuance of the hearing presently scheduled for June 29, 1949, in the above-entitled case; and

It appearing, that no opposition has been filed and that a grant of the petition will be in the public interest;

It is ordered, This 16th day of June 1949 that the petition be, and it is hereby granted, and the hearing presently scheduled for June 29, 1949, is continued to September 29, 1949.

FEDERAL COMMUNICATIONS
COMMISSION,[SEAL] J. FRED JOHNSON, JR.,
Hearing Examiner.[F. R. Doc. 49-5246; Filed, June 29, 1949;
8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1230]

INTERSTATE NATURAL GAS CO., INC.

ORDER SUSPENDING PROPOSED SUPPLEMENT
TO RATE SCHEDULE

JUNE 23, 1949.

On January 14, 1949, Interstate Natural Gas Company, Inc. (Interstate) tendered for filing a proposed supplement to its Rate Schedule FPC No. 25, tentatively designated as Supplement No. 5. That supplement consisted of a letter, dated March 24, 1948, from Interstate to Memphis Natural Gas Company, predecessor in interest of Texas Gas Transmission Corporation (Texas Gas), announcing Interstate's designation as its "Seller's Selected Pressure" for the contract year beginning November 1, 1948, fifty (50) pounds per square inch gauge, as specifically listed in Subdivision A of Article III of the contract comprising Rate Schedule FPC No. 25.

By letter of February 9, 1949, the Commission informed Interstate that the material submitted was incomplete and that certain additional data required by the Commission's regulations under the Natural Gas Act should be submitted. Such additional data were filed with the Commission by Interstate on May 27, 1949.

Rate Schedule FPC No. 25 is a special contract dated April 16, 1945, under which Interstate sells natural gas from the Monroe Field of Louisiana to Texas Gas. Under Rate Schedule FPC No. 4, Interstate sells natural gas from the Monroe Field to Mississippi River Fuel Corporation (Mississippi). Under Rate Schedule FPC No. 26, Interstate sells natural gas from the Monroe Field to Southern Natural Gas Company (Southern). Supplement No. 3 to Rate Schedule FPC No. 25, provides in part as follows:

The provisions of said agreement of April 16, 1945, as amended, giving priority to deliveries to Buyer over certain contracts are modified so that there shall be no priority or preference given to Buyer over any other contracts or deliveries by Seller. *Provided, however*, That deliveries to Buyer, to Mississippi River Fuel Corporation and to Southern Natural Gas Company shall be made without preference or priority to either as against the other, except that gas supplied for domestic purposes shall be given pref-

DOMINICAN REPUBLIC

Call letters	Location	Power	Time designation	Class	Probable date to commence operation
HJH	Villa Duarte, Ciudad Trujillo, lat. 18°29' N., long. 69°52' W.	1490 kilocycles, 250 w	U	IV	July 1949.

FEDERAL COMMUNICATIONS COMMISSION.

T. J. SLOWIE,

Secretary.

[F. R. Doc. 49-5248; Filed, June 29, 1949; 8:59 a. m.]

[Change List 106]

MEXICAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES AND
CORRECTIONS IN ASSIGNMENTS

MAY 11, 1949.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement.

MEXICO

List of changes, proposed changes, and corrections in assignments of Mexican Broadcast Stations modifying appendix containing assignments of Mexican Broadcast Stations (Mimeograph #47214-6) attached to the recommendations of the North American Regional Broadcasting agreement, engineering meeting, January 30, 1941.

Call letters	Location	Power	Time designation	Class	Probable date to commence operation
XEJT	Guasimato, Gto.	570 kilocycles (delete)	U	III-B	June 1, 1949
XEIQ	Morelia, Mich.	1 kw. (change in power; previously 250 w. N/1 kw.)	U	III-B	Do.
XEAL	La Paz, B. C.	580 kilocycles, 500 w.	U	III-B	Do.
XEZM	Zamorora, Mich.	650 kilocycles (delete)	U	III-B	Do.
XETA	Zitacuaro, Mich.	760 kilocycles (assignment of call letters)	U	III-B	Do.
New	Zapopan, Jal.	500 w. (change of location; previously Mariano Escobedo, Jal.)	D	II	Dec. 1, 1949
New	Tijuana, B. C.	800 kilocycles, 500 w.	D	II	Nov. 1, 1949
XERX	Salamanca, Gto.	970 kilocycles, 500 w.	D	III-B	June 15, 1949
New	Tijuana, B. C.	1010 kilocycles (delete)	U	III-B	Dec. 1, 1949
XEDK	Nuevo Laredo, Tam.	1090 kilocycles, 250 w.	U	III-B	Oct. 1, 1949
XEGT	Guadaluajara, Jal.	1250 kilocycles, 1 kw. (increase in power from 500 w. to 1 kw.)	U	III-B	Dec. 1, 1949
XEAI	Zamorora, Mich.	1270 kilocycles (assignment of call letters)	U	III-B	Dec. 1, 1949
New	Mexico, D. F.	1320 kilocycles, 1 kw. (increase in power from 500 w. to 1 kw.)	U	III-B	June 1, 1949
XEMX	Tuxpan, Nay.	1340 kilocycles, 250 w.	U	IV	Oct. 15, 1949
XEAB	Mexico, D. F.	1380 kilocycles, 5 kw. (increase in power from 1 kw. to 5 kw.)	U	III-B	June 1, 1949
XEOX	Santa Ana, Son.	1400 kilocycles, 250 w.	U	IV	Immediately
XEZM	Ciudad Obregon, Son.	1430 kilocycles, 500 w. N/1 kw. (change in power; previously 1 kw.)	U	III-B	Immediately
XETZ	Zamorora, Mich.	1480 kilocycles, 5 kw. (Delete.)	U	III-A	Dec. 1, 1949
XEGT	Orizaba, Ver.	1490 kilocycles (delete)	U	III-A	Dec. 1, 1949
XERX	Salamanca, Gto.	1500 kilocycles (delete; change to 970 kc.)	U	III-A	Dec. 1, 1949
XEAE	Villa Acuna, Coah.	1600 kilocycles, 5 kw. (change in call letters, previously XEAB).	U	III-A	Dec. 1, 1949

FEDERAL COMMUNICATIONS COMMISSION.

T. J. SLOWIE,

Secretary.

[F. R. Doc. 49-5249; Filed, June 29, 1949; 8:59 a. m.]

[Docket No. 9257]

JOSE RAMON QUINONES

ORDER CONTINUING HEARING

In re petition of Jose Ramon Quinones, San Juan, Puerto Rico, Docket No. 9257; for reconsideration of action granting a construction permit (File No. BP-6353), to WPTF Radio Company (WPTF), Raleigh, North Carolina.

The Commission having under consideration the joint petition of Jose Ramon Quinones (WAPA), San Juan, Puerto Rico, and WPTF Radio Company, Raleigh, North Carolina, filed on June 9, 1949, requesting a 60-day continuance of the hearing presently scheduled for June 24, 1949, in the proceeding upon the above-entitled matter; and

It appearing, that no opposition to the granting of this petition has been filed with the Commission;

It is ordered, That 17th day of June, 1949, that the petition is granted; and that the hearing in the proceeding upon the above-entitled matter is continued to 10:00 a. m., Wednesday, August 24, 1949, at Washington, D. C.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL]

T. J. SLOWIE,

Secretary.

[F. R. Doc. 49-5247; Filed, June 29, 1949; 8:53 a. m.]

[Change List 5]

DOMINICAN REPUBLIC BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES AND
CORRECTIONS IN ASSIGNMENTS

MAY 31, 1949.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting agreement.

List of changes, proposed changes, and corrections in assignments of Dominican Republic Broadcast Stations modifying appendix containing assignments of Dominican Republic Broadcast Stations (Mimeograph 47214-2) attached to the recommendations of the North American Regional Broadcasting agreement engineering meeting, January 30, 1941.

erence over gas supplied for industrial purposes.

Among the data filed by Interstate on May 27, 1949, is its statement pursuant to § 154.3 (c) of the Commission's regulations under the Natural Gas Act, giving its reasons for the change in "Seller's Selected Pressure." That statement indicates that the volumes of natural gas delivered to Texas Gas were reduced effective November 1, 1948, simultaneously with the aforementioned reduction in pressure, but it does not appear that deliveries to Mississippi and Southern were or will be proportionately reduced.

Interstate is a natural-gas company under the Natural Gas Act, and the sales to Texas Gas, Mississippi and Southern are subject to the jurisdiction of the Commission.

In these circumstances, the reduction in pressure and deliveries on November 1, 1948, constitutes a change in service. Such disproportionate reduction in deliveries to Texas Gas as compared with those to Mississippi and Southern may be unjust, unreasonable, unduly discriminatory, or preferential, and may make or grant an undue preference or advantage to Mississippi and Southern, or subject Texas Gas to an undue prejudice or disadvantage.

The Commission finds: It is necessary and desirable in the public interest that the Commission enter upon a hearing concerning the lawfulness of the service set forth in proposed Supplement No. 5 and that the service therein proposed be suspended pending hearing and decision thereon.

The Commission orders:

(A) A public hearing be held on a date to be hereafter fixed by the Commission in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the lawfulness of the service subject to the jurisdiction of the Commission as set forth in the proposed Supplement No. 5.

(B) Pending hearing and decision on the lawfulness of such service, proposed Supplement No. 5 be and it hereby is suspended, and use of such service be deferred until the proposed Supplement No. 5 shall be made effective by further order of the Commission or in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure.

Date of issuance: June 24, 1949.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-5222; Filed, June 29, 1949;
8:47 a. m.]

[Docket No. E-6218]

MONTANA-DAKOTA UTILITIES CO.

NOTICE OF APPLICATION

JUNE 23, 1949.

Notice is hereby given that on June 23, 1949, an application was filed with

the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Montana-Dakota Utilities Co., a corporation organized under the laws of the State of Delaware and doing business in the States of Minnesota, Montana, North Dakota, South Dakota and Wyoming, with its principal business office at Minneapolis, Minnesota, seeking an order authorizing the issuance of 217,418 shares of common stock, par value of \$5 each. Such shares will be issued for common shares of Montana-Wyoming Gas Pipe Line Company then outstanding, upon the voluntary exchange thereof by individual holders of such stock, upon a share for share basis. Applicant will receive for each share of its own \$5 par value common stock one share of the \$5 par value common stock of Montana-Wyoming Gas Pipe Line Company; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 13th day of July 1949, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-5213; Filed, June 29, 1949;
8:48 a. m.]

[Docket No. G-1227]

TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF APPLICATION

JUNE 24, 1949.

Take notice that Texas Eastern Transmission Corporation (Applicant), a Delaware corporation, address Shreveport, Louisiana, filed on June 22, 1949, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the acquisition from Public Service Electric and Gas Company, a New Jersey corporation, of approximately 23,792 feet of 8-inch natural-gas transmission pipe line running from the property line of the Central Gas Works of Public Service Electric and Gas Company in Raritan Township, Middlesex County, New Jersey, to a point near Applicant's main transmission pipe line in South Plainfield Borough, Middlesex County, New Jersey, and the operation of said facilities for the purpose of transporting and selling natural gas to Public Service Electric and Gas Company for use in its Central Gas Works. The maximum delivery capacity of the facilities proposed to be acquired is estimated to be 10,000 Mcf of natural gas per day.

The estimated total capital cost to Applicant of the facilities proposed to be acquired is \$87,300 which will be financed from cash on hand by Applicant.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and pro-

cedure within 15 days from the date of publication hereof in the FEDERAL REGISTER. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-5214; Filed, June 29, 1949;
8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 59-32]

GENERAL PUBLIC UTILITIES CORP.

ORDER RECONVENING PROCEEDING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 23d day of June 1949.

The Commission having, on September 4, 1941, instituted a proceeding with respect to Denis J. Driscoll and Willard L. Thorp, as Trustees of Associated Gas and Electric Corporation ("Agecorp Trustees"), pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935 ("act"); and

The Agecorp Trustees having filed in such proceeding a statement, as supplemented, in which, among other things, it was asserted that in the States of New York, Pennsylvania, and New Jersey, Associated Gas and Electric Corporation controlled three separate groups of properties, each consisting of an integrated public-utility system, additional systems and retainable incidental businesses and that each such group would be disposed of separately either by distribution to security holders or otherwise, and that such three separate groups of properties consisted of (1) a New York-Northern Pennsylvania Group, (2) a Western Pennsylvania Group, and (3) an Eastern Pennsylvania-New Jersey Group; and

Testimony having been presented from time to time, and the Commission having, on August 13, 1942, issued its findings and opinion and order in which it directed Denis J. Driscoll and Willard L. Thorp, as Trustees of Associated Gas and Electric Corporation, to dispose of their interest in certain named companies and also ordered that jurisdiction be reserved with respect to all issues not disposed of in said order, and testimony having been presented from time to time with respect to the reserved issues and the hearing therein having been recessed subject to call; and

It further appearing that Denis J. Driscoll and Willard L. Thorp have been discharged as trustees of Associated Gas and Electric Corporation; and

It further appearing that Associated Gas and Electric Corporation has been merged into Associated Gas and Electric Company and the name of the latter company has been changed to General Public Utilities Corporation ("GPU"); and

It further appearing that the companies presently comprising the holding company system of GPU, the corporate relationship, the degree of ownership of voting securities within the system, the State or country of incorporation, and

the nature of the business of each company, are as follows:

	Percent
General Public Utilities Corp. (N. Y.) (registered holding company):	
Associated Electric Co. (Del.) (registered holding company)-----	100
Escudero Electric Co. (Philippines) (electric)-----	100
Manila Electric Co. (Philippines) (electric)-----	100
Pennsylvania Electric Co. (Pa.) (electric-steam)-----	100
Blair Fuel Co. (Pa.) (coal mining)-----	100
Nineveh Water Co. (Pa.) (water)-----	100
Canada Power Corp. (N. Y.) (electric)-----	100
Dover Casualty Insurance Co. (Del.) (insurance)-----	100
Employees Welfare Association, Inc. (Del.) (pension service)-----	100
Employees Welfare Association, Inc. (N. J.) (pension service)-----	100
Jersey Central Power & Light Co. (N. J.) (electric-gas)-----	100
Metropolitan Edison Co. (Pa.) (electric-steam)-----	100
Edison Light & Power Co. (Pa.) (electric-steam)-----	100
New Jersey Power & Light Co. (N. J.) (electric)-----	100
Northern Pennsylvania Power Co. (Pa.) (electric-steam)-----	100
Waverly Electric Light & Power Co., The (N. Y.) (electric)-----	100
Railway and Bus Associates, The (a voluntary association) (in liquidation)-----	100
Rochester Gas & Electric Corp. (N. Y.) (electric-gas-steam)-----	100
Staten Island Edison Corp. (N. Y.) (electric)-----	100

It further appearing that, on August 13, 1942, the Commission ordered the predecessors of GPU to dispose of their interest in Escudero Electric Service Company, Manila Electric Company, and Staten Island Edison Corporation (in addition to other companies since disposed of pursuant to such order); and

It further appearing that, on February 9, 1945, the Commission modified its order of August 13, 1942, by removing Escudero Electric Service Company and Manila Electric Company from the list of companies required to be divested by the predecessor of GPU, subject, however, to the condition that said order might be reinstated by the Commission upon notice and opportunity for hearing, which hearing was to be confined to the appropriateness of the time of such reinstatement in relation to the status of the rehabilitation of the properties of said companies upon release of the Philippine Islands from enemy occupation; and

It further appearing that GPU has disposed of its interest in two of the companies located in New York which companies were formerly alleged to be retainable as part of the New York-Northern Pennsylvania Group and that it has indicated it now proposes the disposition of the remainder of its companies in the state of New York (other than The Waverly Electric Light and Power Company), and the retention under one holding company of all the properties in Pennsylvania and New Jersey as well as all the presently controlled non-utility properties and businesses; and

The Commission deeming it appropriate that the hearing be reconvened in order that testimony may be adduced to

determine what steps, if any should now be taken by GPU in order that GPU's holding company system shall be in conformity with the standards of section 11 (b) (1) of the act:

It is hereby ordered, Pursuant to sections 11 (b) (1) and 18 of the act, that the hearing in the above entitled matter be reconvened on the 19th day of September 1949, at 10 a. m., e. d. s. t., at the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. On such date the hearing room clerk will advise as to the room in which such hearing will be held. Any person desiring to be heard in connection with this proceeding or proposing to intervene therein shall file with the Secretary of the Commission, on or before September 9, 1949, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Edward C. Johnson, or any other officer or officers of this Commission designated by it for that purpose, shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

It is further ordered, That on or before the 19th day of August 1949, GPU file with this Commission a statement as to what action GPU now deems to be necessary and appropriate and which it is prepared to take for the purpose of limiting the operations of its holding company system to a single integrated public utility system, together with such additional systems and other businesses as can be retained under the standards of section 11 (b) (1) of the act.

The Division of Public Utilities of the Commission has advised the Commission that it has made a preliminary examination of the relationship among the companies of the GPU holding company system and the properties owned or controlled by GPU, and, on the basis thereof, the following matters and questions are presented for consideration without prejudice, however to the presentation of additional matters and questions upon further examination:

(1) Whether an order should be entered forthwith requiring GPU to divest itself of all its interest in Rochester Gas and Electric Corporation and Canada Power Company;

(2) Which, if any, of the electric properties of Pennsylvania Electric Company may be retained under common control with any of the electric properties of any other company in the GPU holding company system;

(3) Which, if any, of the electric properties of Northern Pennsylvania Power Company and The Waverly Electric Light and Power Company may be retained under common control with any of the electric properties of any other company in the GPU holding company system;

(4) Which, if any, of the electric properties of Jersey Central Power & Light Company may be retained under common control with any of the electric properties of any other company in the GPU holding company system;

(5) Which, if any, of the gas properties of Jersey Central Power & Light Company may be retained under common control with any of the electric properties of Jersey Central Power & Light Company or with any of the electric properties of any other company in the GPU holding company system;

(6) Which, if any, of the non-utility properties or businesses may be retained under common control with any of the public utility properties of any company in the GPU holding company system;

(7) Generally, what properties and companies now controlled by GPU may be retained under common control under the applicable standards of section 11 (b) (1) of the act, including specifically a determination (a) as to which of GPU's public-utility properties, if any, is to be considered as the "single integrated public-utility system" retainable under section 11 (b) (1) of said act and (b) of the extent, if any, to which additional integrated public-utility systems and other businesses may be retained under common control with any such single integrated public-utility system under the applicable standards of section 11 (b) (1) of the act.

It is further ordered, That, at such reconvened hearing, evidence shall be adduced with respect to the foregoing matters and questions.

It is further ordered, That, at such reconvened hearing, GPU shall show cause why the order formerly entered requiring GPU to divest itself of all its interest in the properties located in the Republic of the Philippines should not be reinstated forthwith.

It is further ordered, That the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing a copy of this order by registered mail to General Public Utilities Corporation, the Public Service Commission of the State of New York, the Pennsylvania Public Utility Commission, the Board of Public Utility Commissioners of the State of New Jersey and the Public Service Commission of the Republic of the Philippines, such mailing to be not less than 25 days prior to the date hereinbefore fixed for the filing by General Public Utilities Corporation of a statement; and that notice is hereby given of said hearing to all companies hereinbefore mentioned by name in this order and to all other persons, including the security holders of General Public Utilities Corporation and of its subsidiaries, all States, municipalities and political subdivisions of States within which are located any utility assets of General Public Utilities Corporation or of any of their subsidiaries or of any company hereinbefore mentioned by name in this order, all State securities commissions, and all agencies, authorities or instrumentalities of one or more States, municipalities or other political subdivisions having jurisdiction over General Public Utilities Corporation, their subsidiaries, and such companies, or over any of the businesses, affairs or operation of any of them, and that such notice shall be given further by general release of the Commission, distributed to the press and mailed to the mailing list of the Commission for releases issued under the

Public Utility Holding Company Act of 1935. Further notice shall be given to all persons by publication of this order in the FEDERAL REGISTER not later than 25 days prior to the date hereinbefore fixed for the filing of a statement by General Public Utilities Corporation.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 49-5215; Filed, June 29, 1949;
8:48 a. m.]

[File No. 70-2172]

MIDDLE WEST CORP.

NOTICE OF FILING AND NOTICE OF AND ORDER
FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of June A. D. 1949.

Notice is hereby given that The Middle West Corporation ("Middle West"), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act"), and the general rules and regulations promulgated thereunder with respect to the divestment of its interests in its four service companies, Middle West Service Company, Illinois Stock Transfer Company, Bureau of Safety, and Insurance Trust Fund, an unincorporated association. Declarant has designated section 12 (f) of the act and Rule U-44 (c) promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to said declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed which may be summarized as follows:

Middle West, which is in the process of liquidation and has disposed of the major portion of its assets, owns all of the outstanding securities of three of the service companies, consisting of 100 shares of no par value common stock and a note in the principal amount of \$30,000 issued by Middle West Service Company, 250 shares of \$100 par value common stock of the Bureau of Safety, and 350 shares of no par value common stock of the Illinois Stock Transfer Company, and controls the Insurance Trust Fund through the power to appoint the Trustees of said fund.

Middle West proposes to make a capital contribution to Middle West Service Company by surrendering the aforesaid note and to transfer, without consideration, all of the above-mentioned capital stocks in equal amounts to seven individuals, who are the chief executive officers and department heads of such companies.

Middle West states that it has heretofore received from the Trustees of the Insurance Trust Fund the sum of \$450,000, representing the amount Middle West is entitled to receive under the Trust Agreement, and that it has no further claim or interest in the assets of the said fund. It is stated that the

Insurance Trust Fund, which was created in the year 1913, functions as an insurer affording fire and liability protection to the member companies (principally former subsidiaries of Middle West) pursuant to agreements between the participating companies and the Trustees who hold and administer the fund. Middle West, although not a party to these agreements, has certain functions in connection therewith, including the appointment of the Trustees, which it now proposes to discontinue. Thereafter the Trustees will be appointed by the member companies.

The filing states that the proposed transactions are for the purpose of providing for the continuation of the employment of the officers and employees of the service companies and that if such service companies were to be liquidated their employees would be entitled, as a matter of fairness and ordinary business practice, to be paid a separation allowance at least equal to three months' pay. The company states that the payment of such separation allowance would be in excess of the net assets of the service companies, and, therefore, these companies have no realizable net asset value to Middle West.

It is proposed that each of the transferees will be required to execute a contract with each of the service companies with respect to the shares of capital stock transferred to him providing for the delivery and surrender of such shares to the issuing company, upon termination of his employment, without consideration or with such consideration as the issuing company shall agree to pay.

It is further proposed that, upon its divestment by Middle West, Middle West Service Company will install a profit sharing arrangement applicable to all employees with more than one year of service, who are not stockholders of the Middle West Service Company, to provide that 50% of the net income after Federal income taxes (but before reduction in income taxes on account of the profit sharing deduction) will be distributed annually to said employees, who at the time of said distribution have been continuously in the employ of the Middle West Service Company for more than one year, in the ratio that the annual salary of such employee bears to the aggregate annual pay roll of all such employees during the said period.

Middle West Service Company, in connection with the divestment of its stock by Middle West, will cancel all contracts with former subsidiaries of Middle West and proposes to render services for, among others, the companies with which it has been heretofore affiliated when and as requested in writing without the execution of term contracts.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the transactions proposed in the aforesaid declaration and that said declaration shall not be permitted to become effective except pursuant to further order of the Commission:

It is ordered, That a hearing on such matters, under the applicable provisions of the act and the rules thereunder be

held at 10:00 a. m., e. d. s. t., on July 12, 1949, at the office of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. On such date the hearing room clerk in Room 101 will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in the proceeding shall file with the Secretary of the Commission on or before July 11, 1949, a request or application relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Willis E. Monty, or any other officer or officers of the Commission designated for that purpose, shall preside at the hearings on such matters. The officer so designated to preside at such hearings is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the declaration and, upon the basis thereof, the following matters and questions are presented for consideration by the Commission, without prejudice, however, to the specification of additional matters or questions upon further examination:

1. Whether the proposed divestments by Middle West meet the requirements of section 12 of the act and are fair and equitable to its security holders.

2. Whether the proposed service arrangements between the four service companies and companies formerly in the Middle West holding company system are in conformity with the standards of sections 11, 12, and 13 of the act, particularly section 13 (f) thereof, and whether it is necessary to impose any terms or conditions with respect to the servicing arrangements.

3. Whether all of the proposed transactions comply with the requirements of the applicable provisions of the act and rules promulgated thereunder and whether it is necessary or appropriate to impose terms and conditions in the public interest or for the protection of investors or consumers in connection with the proposed transactions.

It is further ordered, That particular attention shall be directed at said hearing to the foregoing matters and questions.

It is further ordered, That a copy of this notice and order shall be mailed by registered mail to The Middle West Corporation, Middle West Service Company, Illinois Stock Transfer Company, Bureau of Safety, and to the Trustees of the Insurance Trust Fund; that notice shall be given to all other persons by general release of this Commission, which shall be distributed to the press and mailed to the mailing list for releases under the act and that further notice shall be given to all persons by publication of this notice and order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 49-5216; Filed, June 29, 1949;
8:48 a. m.]

[File No. 70-2151]

AMERICAN POWER & LIGHT CO. AND
FLORIDA POWER & LIGHT CO.ORDER GRANTING APPLICATION AND PERMIT-
TING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 24th day of June A. D. 1949.

American Power & Light Company ("American"), a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, and American's utility subsidiary Florida Power & Light Company ("Florida"), having filed a joint application-declaration and amendment thereto pursuant to sections 6 (a), 7, 9 (a), 10 and 12 (f) of the Public Utility Holding Company Act of 1935 and Rules U-43 and U-50 promulgated thereunder, with respect to the following proposed transactions:

Florida has outstanding 2,100,000 shares of common stock without nominal or par value, all of which is owned by American. Florida proposes to issue and sell to American and American proposes to acquire 350,000 additional shares of the common stock of Florida for a cash consideration of \$6,000,000.

American and its electric utility subsidiary, Kansas Gas & Electric Company ("Kansas"), have on file with this Commission a joint declaration (File No. 70-2131) contemplating, among other things, the sale by American of not to exceed 450,000 shares of common stock of Kansas owned by American. The proceeds of said sale are to be used to enable American to make certain investments in its subsidiaries, including \$6,000,000 in the common stock of Florida. In the event American makes such investments prior to the sale of the Kansas stock, such investments are proposed to be made from the proceeds to be derived by American from temporary borrowings of not to exceed \$13,000,000, which are to be repaid, in whole or in part, from the proceeds to be derived by American from the sale of the Kansas common stock.

The funds necessary to enable American to invest \$6,000,000 in Florida, as proposed herein, are to be raised as contemplated in the joint declaration filed by American and Kansas.

The 350,000 additional shares of Florida's common stock proposed to be acquired by American, together with the 2,100,000 shares presently owned by American are to be distributed to American's common and preferred stockholders pursuant to a pending reorganization plan for American filed under section 11 (e) of the act (File No. 54-168).

The application-declaration states that "American and Florida request that the Commission enter its order herein authorizing and permitting American to make an investment of \$6,000,000 in the equity of Florida and authorizing and permitting Florida to issue and sell to American 350,000 shares of its common stock, and that the Commission retain jurisdiction in the premises and, after it is determined whether such investment will be made directly out of proceeds to be

derived by American from the sale of Kansas common stock or out of the proceeds of temporary bank borrowings to be made by American and prior to the time when American makes such investment, the Commission, on application of American and Florida, enter such supplemental order as shall be appropriate, containing recitals as to said investment by American and as to said issuance and sale of stock by Florida as are contemplated by the Internal Revenue Code, as amended, including section 1808 (f) and Supplement R thereof."

Florida also proposes to issue and sell pursuant to the competitive bidding requirements of Rule U-50, \$10,000,000 principal amount of First Mortgage Bonds ---- % Series, due 1979 to be issued under and to be secured by the Company's present existing Mortgage and Deed of Trust dated January 1, 1944, as supplemented by the First Supplemental Indenture thereto dated July 1, 1947, and by the Second Supplemental Indenture thereto dated June 1, 1948, and as it will be supplemented by the proposed Third Supplemental Indenture to be dated June 1, 1949.

It is contemplated that the cash to be received by Florida, as a result of the sale of its common stock and bonds, will be used to finance, in part, its construction program for 1949 and to repay short-term borrowings from banks which presently amount to \$2,200,000 and which, it is estimated, may amount to approximately \$3,200,000 at the time of the proposed sale of common stock and bonds.

Applicants-declarants request that the Commission's order be entered as soon as may be practicable and that it become effective upon the issuance thereof.

The application-declaration having been filed on May 20, 1949 and an amendment thereto having been filed on June 6, 1949, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for a hearing with respect to the application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the said application-declaration that the requirements of the applicable provisions of the act and the rules thereunder have been satisfied, that no adverse findings are necessary thereunder and that it is not necessary to impose any terms and conditions other than those set forth below and the Commission deeming it appropriate that the said application-declaration, as amended, be granted and permitted to become effective, and the Commission further deeming it appropriate to grant applicants-declarants' requests that the order become effective upon the issuance thereof and that jurisdiction should be reserved to enter such further order as may be appropriate, containing such recitals or granting such other relief as may be warranted under the Internal Revenue Code, as amended, including

section 1808 (f) and Supplement R thereof.

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act that said application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions contained in Rule U-24 and subject to the following additional conditions:

(1) That the proposed sale of bonds of Florida shall not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record in this proceeding and a further order shall have been entered by the Commission in the light of the record so completed, which order may contain such terms and conditions as may then be deemed appropriate.

(2) That jurisdiction be reserved with respect to fees and expenses to be paid in connection with the proposed transactions.

It is further ordered, That jurisdiction be and hereby is reserved to enter such further order as may be appropriate upon supplemental application herein by American and Florida, containing such recitals or granting such other relief as may be warranted under the Internal Revenue Code, as amended, including section 1808 (f) and Supplement R thereof.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.[F. R. Doc. 49-5217; Filed, June 29, 1949;
8:49 a. m.]

[File No. 70-2159]

COLUMBIA GAS SYSTEM, INC., AND UNITED
FUEL GAS CO.ORDER GRANTING APPLICATION AND PERMIT-
TING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 24th day of June 1949.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its subsidiary, United Fuel Gas Company ("United Fuel"), having filed a joint application-declaration, pursuant to the provisions of sections 6 (b), 9, 10 and 12 of the Public Utility Holding Company Act of 1935, with respect to the following proposed transactions:

Columbia proposes to make a cash capital contribution to United Fuel in the amount of \$3,400,000 and to purchase from United Fuel \$3,000,000 of 3 1/4 % Installment Promissory Notes. It is stated that the proceeds to be obtained by United Fuel through the cash contribution and the issue and sale of its notes will be utilized in connection with United Fuel's construction program. The notes to be issued and sold by United Fuel are to be unsecured and are to be paid in equal annual installments on February 15, of each of the years 1952 to 1976, inclusive. It is proposed that capital contributions in the aggregate amount of \$3,400,000 will first be made to United

Fuel; following which Columbia will purchase up to \$3,000,000 of 3¼% notes. United Fuel will sell such notes only at such time and in such amounts as are necessary and none of the notes will be sold subsequent to December 31, 1949.

The Public Service Commission of West Virginia approved the issue and sale of the 3¼% notes by order dated June 16, 1949.

Said joint application-declaration having been duly filed and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said joint application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said joint application-declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said joint application-declaration be granted and permitted to become effective:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that the said joint application-declaration be, and hereby is, granted and permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 49-5218; Filed, June 29, 1949;
8:49 a. m.]

[File No. 70-2158]

ST. JOSEPH LIGHT & POWER CO. AND CONTINENTAL GAS & ELECTRIC CORP.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of June A. D. 1949.

Notice is hereby given that St. Joseph Light & Power Company ("St. Joseph"), and its parent, Continental Gas & Electric Corporation ("Continental"), a registered holding company, have filed a joint application, pursuant to the Public Utility Holding Company Act of 1935 ("act"). The application indicates that sections 6 (b), 7, 9 and 10 of the act and Rules U-42 and U-50 promulgated thereunder are applicable to the proposed transactions.

Notice is further given that any interested person may, not later than July 5, 1949, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held with respect to said application, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application proposed to be controverted or may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and

Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after July 5, 1949, said application as filed, or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

St. Joseph proposes to issue and sell at competitive bidding, pursuant to Rule U-50, \$4,750,000 principal amount of First Mortgage Bonds, ____% Series, due 1979. The bonds are to be dated July 1, 1949 and are to be issued under the existing indenture as supplemented by three supplemental indentures, the last of which is to be dated July 1, 1949. The interest rate (which shall be a multiple of ¼ of 1%) and the price to be received for the bonds (which price shall be not less than 100% nor more than 102¼% of the principal amount of the bonds) are to be determined by competitive bidding. The proceeds received from the bonds are to be deposited with the Trustee and withdrawn from time to time upon the certification of net bondable additions in accordance with the terms of the indenture and supplemental indentures.

St. Joseph also proposes to amend its charter to increase its authorized common stock from 45,000 shares having a par value of \$100 per share to 600,000 shares without par value, to issue and sell to Continental for \$2,000,000 cash 105,213 shares of no par value common stock and to issue to Continental 212,579 shares of no par value common stock in exchange for 40,409 shares of \$100 par value common stock now held by Continental. It is stated that the proceeds received by St. Joseph from the sale of the common stock are to be used for the payment of the \$300,000 principal amount of 2½% Serial Notes outstanding, for the payment of \$50,000 open account indebtedness owing to Continental, and for the expansion of facilities and other corporate purposes. No change is to be made in St. Joseph's capital stock account in connection with the change of the outstanding par value common stock to no par value common stock, and the \$2,000,000 proceeds to be received by St. Joseph from the issue and sale of no par value common stock is to be credited to capital stock account. Continental has joined in the filing for approval of the transactions relating to it.

In connection with the reclassification of its common stock, St. Joseph proposes to amend its charter to provide that the consideration received for all shares of common stock without par value subsequently issued and sold shall be credited to capital account and that such provision shall not be amended except upon the affirmative vote or consent of the holders of two-thirds of the shares of common stock issued and outstanding present or represented and voting thereon at any meeting called for the purpose of considering such proposed amendment.

St. Joseph also proposes to amend its charter to provide that any new or additional shares of common stock, or any securities convertible into common stock, if such shares or securities are to be sold for cash other than pursuant to a public offering with or without underwriters, shall be offered in the first instance to all of the common stockholders on a pro rata basis.

St. Joseph also proposes to amend its charter to provide that (1) a quorum at any meeting of shareholders shall consist of a majority of the outstanding shares entitled to vote, except that less than a quorum shall have the power successively to adjourn to a specified date not more than 90 days after such adjournment, (2) the Articles of Incorporation may be amended in accordance with and upon the vote prescribed by the General and Business Corporation Act of Missouri, but in no event shall any amendment be adopted without the affirmative vote of a majority of the outstanding shares entitled to vote, and (3) the power to make, alter, amend or repeal the by-laws shall be vested in the Board of Directors.

It is also proposed to amend the existing by-laws to provide that they may be amended, altered or repealed, or new by-laws adopted by the affirmative vote of a majority of the Board at any regular or special meeting upon at least 10 days' notice of the proposed amendment.

It is stated that the proposed increase in, and reclassification of, the shares of common capital stock of St. Joseph will facilitate the distribution of such shares by Continental and The United Light and Railways Company ("Railways") in accordance with the plan of liquidation recently filed by Continental and Railways (File No. 54-178).

The application states that approval of the Public Service Commission of the State of Missouri is necessary for consummation of certain of the proposed transactions and that a copy of the order of that Commission will be filed herein by amendment.

Applicant requests that the Commission enter an order on or before July 6, 1949, to become effective upon its issuance, granting the application, and that with respect to the issuance of 317,792 shares of no par value common stock the order contain appropriate recitals conforming to the requirements of section 1808 (f) of the Internal Revenue Code, as amended.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 49-5219; Filed, June 29, 1949;
8:49 a. m.]

[File Nos. 70-1825, 70-2091, 70-2160, 70-2170]

NARRAGANSETT ELECTRIC CO. ET AL.

NOTICE OF FILING; NOTICE OF AND ORDER FOR HEARING AND ORDER FOR CONSOLIDATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 24th day of June A. D. 1949.

In the matter of The Narragansett Electric Company, File No. 70-2091; Attleboro Steam and Electric Company, Beverly Gas and Electric Company, Central Massachusetts Electric Company, Eastern Massachusetts Electric Company, Gardner Electric Light Company, Gloucester Electric Company, Gloucester Gas Light Company, Granite State Electric Company, Haverhill Electric Company, Lawrence Gas and Electric Company, The Lowell Electric Light Corporation, Malden and Melrose Gas Light Company, Worcester Suburban Electric Company, New England Power Company, Northampton Electric Lighting Company, Northern Berkshire Gas Company, Quincy Electric Light and Power Company, Salem Gas Light Company, Southern Berkshire Power & Electric Company, Suburban Gas and Electric Company, Wachusett Electric Company, Weymouth Light and Power Company, Worcester County Electric Company, File No. 70-1825; New England Power Company, File No. 70-2160; Worcester County Electric Company, File No. 70-2170.

Notice is hereby given that applications have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by New England Power Company ("NEPCO") and Worcester County Electric Company ("Worcester County"), subsidiary companies of New England Electric System ("NEES"), a registered holding company. Applicants have designated section 6 (b) of the act and Rule U-50 thereunder as applicable to the transactions proposed therein.

All interested persons are referred to said applications which are on file in the offices of this Commission for a statement of the transactions therein proposed which may be summarized as follows:

NEPCO proposes to issue and sell to the public under competitive bidding \$5,000,000 principal amount of First Mortgage Bonds, Series C, due 1979. The terms and conditions relating to bids provide that each bid shall specify the coupon rate (which shall be a multiple of $\frac{1}{8}$ of 1%) to be borne by said bonds and shall specify the price, exclusive of accrued interest, to be paid to NEPCO therefor, which price shall not be less than the principal amount and not more than 102 $\frac{3}{4}$ % thereof. NEPCO proposes to use the net cash proceeds derived from the sale of said bonds to pay off its promissory note indebtedness and, to the extent that such proceeds exceed such note indebtedness then outstanding, NEPCO proposes to use such excess for additional construction or to reimburse its treasury for construction expenditures previously made.

The application of NEPCO states that the Massachusetts Department of Public Utilities, the Vermont Public Service Commission and the New Hampshire Public Service Commission have jurisdiction over the proposed issuance and sale of said bonds and that no federal commission, other than this Commission, has jurisdiction over such sale. The application of NEPCO further states, in connection with the proposed sale of said bonds, that New England Power Service Company, an affiliated service com-

pany, will perform incidental services at the actual cost thereof.

Worcester County proposes to issue and sell to the public under competitive bidding \$5,500,000 principal amount of First Mortgage Bonds, Series A, due 1979. The terms and conditions relating to the bids provide that each bid shall specify the coupon rate (which shall be a multiple of $\frac{1}{8}$ of 1%) to be borne by said bonds and shall specify the price, exclusive of accrued interest, to be paid to Worcester County therefor, which price shall not be less than the principal amount and not more than 102 $\frac{3}{4}$ % thereof. Worcester County proposes to use the net cash proceeds derived from the sale of said bonds, estimated at \$5,440,000, to pay off its promissory note indebtedness and, to the extent that such proceeds exceed the note indebtedness then outstanding, Worcester County proposes to use such excess for additional construction or to reimburse its treasury for construction expenditures previously made.

The application of Worcester County indicates that the Massachusetts Department of Public Utilities has jurisdiction over the proposed sale of said bonds and that no federal commission, other than this Commission, has jurisdiction over said proposed sale.

The Commission, by notice of and order for hearing dated April 12, 1949, directed NEES and certain of its subsidiary companies, identified by Commission's File No. 70-1825, to show cause why the Commission's authorization contained in a previous order dated March 14, 1949 permitting said subsidiary companies to issue additional promissory notes should not be amended to the extent necessary to terminate such authorization with respect to promissory notes not already issued at the time of any such termination or why the Commission should not impose additional terms and conditions with respect to such notes in the light of the absence of an immediate program on the part of NEES to refinance said promissory notes, in part, through the issuance and sale of common shares of NEES.

It appears to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the proposed transactions and that said applications of NEPCO and Worcester County should not be granted except pursuant to further order of this Commission. It further appears to the Commission that the applications of NEPCO and Worcester County and the above entitled matter, identified by Commission's File No. 70-1825, involve common questions of law and fact and that the same may properly be consolidated for hearing and for determination.

It is ordered, That the applications of New England Power Company (File No. 70-2160) and Worcester County Electric Company (File No. 70-2170) be, and they hereby are, consolidated with the above entitled proceeding identified by Commission's File No. 70-1825.

It is further ordered, That a hearing on the issues raised by said applications of New England Power Company and Worcester County Electric Company,

pursuant to the applicable provisions of the act and the rules and regulations thereunder, be held on July 7, 1949, at 10 a. m., e. d. s. t., at the offices of this Commission, 425 Second Street NW., Washington 25, D. C. On such date the hearing room clerk in Room 101 will advise as to the room in which such hearing shall be held.

Any person desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary of this Commission, on or before July 5, 1949, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Allen MacCullen or any other officer or officers of this Commission designated by it for that purpose, shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the applications of New England Power Company and Worcester County Electric Company and that, upon the basis thereof, the following matters and questions are presented for consideration without prejudice to the presentation of additional matters or questions upon further examination:

(1) Whether the issue and sale of said debt securities by NEPCO and Worcester County is entitled to exemption as provided by the third sentence of section 6 (b) of the act;

(2) Whether it is necessary or appropriate in the public interest or for the protection of investors or consumers to impose terms and conditions with respect to the proposed sale of debt securities by NEPCO and Worcester County and, if so, what such terms and conditions should be;

(3) Generally, whether the proposed transactions of NEPCO and Worcester County, including the accounting entries to be recorded and the fees and expenses to be paid, comply with all of the applicable provisions and requirements of the act and the rules and regulations promulgated thereunder.

It is further ordered, That at said hearing evidence shall be adduced with respect to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing by registered mail a copy of this notice of and order for hearing and order for consolidation to New England Electric System, New England Power Company, Worcester County Electric Company, the Massachusetts Department of Public Utilities, the Vermont Public Service Commission, the New Hampshire Public Service Commission and to all counsel of record in the consolidated proceeding; that general notice shall be given to all persons by publication of this notice of and order for hearing in the FEDERAL REGISTER; and that a copy of this notice of and order for hearing shall be distributed through a general release of

this Commission to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 49-5220; Filed, June 29, 1949;
8:49 a. m.]

[File No. 31-566]

TEXAS UTILITIES CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 27th day of June A. D. 1949.

Notice is hereby given that Texas Utilities Company ("Texas Utilities"), a registered holding company subsidiary of American Power & Light Company ("American"), a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, has filed an application pursuant to section 3 (a) (1) of the Public Utility Holding Company Act of 1935 on behalf of itself and each of its subsidiary companies as such for exemption from all the provisions of the act.

All interested persons are referred to said application which is on file in the offices of this Commission for a full statement of the information submitted in support of said application, which may be summarized as follows:

In the application it is stated that Texas Utilities, a holding company organized on September 4, 1945, under the laws of the State of Texas, owns and holds common stock of Texas Electric Service Company ("Texas Electric"), Texas Power & Light Company ("Texas Power"), and Dallas Power & Light Company ("Dallas"), all of which corporations are electric utility companies. Texas Electric, Texas Power and Dallas are each organized under the laws of the State of Texas. Texas Utilities' principal executive offices are at Dallas and Fort Worth, Texas. Texas Electric's principal executive offices are at Fort Worth, Texas, and Texas Power's and Dallas' principal executive offices are at Dallas, Texas. In the application it is stated that each of the subsidiaries of Texas Utilities operates wholly within the State of Texas and that each is engaged in the generation, purchase, transmission, distribution, and sale of electricity.

It is further stated that Texas Utilities does not directly own any utility assets as that term is defined in section 2 (a) (18) of the act and that all of the properties of the three subsidiaries of Texas Utilities are located within the State of Texas.

Under a plan filed by American, parent company of Texas Utilities, under Section 11 (e) of the Act (File No. 54-168), it is proposed, among other things, that the common stock of Texas Utilities, all of which is owned by American, be distributed to American's preferred and common stockholders. Texas Utilities has requested that any order granting

its application be made effective prior to or contemporaneously with the effective date of the plan in the event said plan should be approved by this Commission and an appropriate United States District Court.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said application and that said application shall not be granted except pursuant to further order of this Commission.

It is ordered, That a hearing on said application pursuant to the applicable provisions of the act and the rules of the Commission be held on July 6, 1949, at 10:00 a. m., e. d. s. t., at the offices of the Commission, 425 Second Street NW., Washington 25, D. C. On such date the hearing room clerk in Room 101 will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary of the Commission on or before July 5, 1949, a request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That William W. Swift or any other officer or officers of this Commission designated by it for that purpose shall preside at such hearing. The officer or officers so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities having advised the Commission that it has made a preliminary examination of the application, and that upon the basis thereof the following matters and questions are presented for consideration, without prejudice to its specifying additional matters and questions upon further examination:

1. Whether Texas Utilities Company and every subsidiary company thereof which is a public utility company from which Texas Utilities derives, directly or indirectly, any material part of its income are predominantly intrastate in character and carry on their business substantially in a single State in which Texas Utilities and every subsidiary company thereof are organized.

2. Whether an exemption from all or any provisions of the Act would be detrimental to the public interest or the interest of investors or consumers.

3. Whether the requested exemption, if granted, shall be made subject to terms and conditions, and, if so, the nature of any such terms and conditions.

4. Whether in any other respect the granting of the requested exemption would be in contravention of any provision of the act or the rules and regulations thereunder.

It is further ordered, That at said hearing evidence shall be adduced with respect to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve by registered mail a copy of this order on the applicant herein and the Railroad

Commission of the State of Texas, and that notice to all other persons shall be given by publication of this notice and order in the FEDERAL REGISTER and by general release of the Commission distributed to the press and mailed to the names on the mailing list for release issued under the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 49-5272; Filed, June 29, 1949;
8:53 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 13426]

WANDA RICHTER

In re: Real property and bank account owned by Wanda Richter.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wanda Richter, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Real property situated in the City of Los Angeles, County of Los Angeles, State of California, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property, and

b. That certain debt or other obligation owing to Wanda Richter by The Farmers and Merchants National Bank of Los Angeles, 401 South Main Street, Los Angeles 54, California, arising out of Savings Account No. 26798, entitled "Wanda Richter", and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-b hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 21, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Parcel No. 1. All that certain real property situated in the City of Los Angeles, State of California, described as: Lot Ten (10) Block "H" of Tract Number 4954, Sheets 1 to 5 inclusive, as per map recorded in Book 80, Pages 56 to 60 inclusive, of Maps, in the office of the County Recorder of Los Angeles County.

Parcel No. 2. All that certain real property situated in the City of Los Angeles, County of Los Angeles, State of California, described as follows:

Lot Two Hundred Eleven. (211) of Tract No. 7889, as per map recorded in Book 92, Pages 70 to 75 inclusive, of Maps, in the office of the County Recorder of Los Angeles County, said Tract being sometimes known as "Hollywood Skyline Park".

[F. R. Doc. 49-5181; Filed, June 28, 1949; 8:51 a. m.]

[Vesting Order 13393]

ANNA BECKER

In re: Estate of Anna Becker, deceased. File No. D-28-12014; E. T. sec. 16196.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That George Becker, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof in and to the estate of Anna Becker, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Carola Fiedler, as Administratrix, acting under the judicial supervision of the Surrogate's Court of Kings County, New York;

and it is hereby determined:

4. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country,

the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 14, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-5250; Filed, June 29, 1949; 8:59 a. m.]

[Vesting Order 13396]

ADOLPH BLUMICH

In re: Estate of Adolph Blumich, also known as Gustav Adolph Blumich, deceased. File No. F-28-29160.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Heinrich Blumich and Konrad Blumich, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of Adolph Blumich, also known as Gustav Adolph Blumich, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the Treasurer of Suffolk County, New York, as Depositary, acting under the judicial supervision of the Surrogate's Court, Suffolk County, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or

otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 14, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-5251; Filed, June 29, 1949; 9:00 a. m.]

[Vesting Order 13401]

LUDWIG HEIN

In re: Estate of Ludwig Hein, deceased. File No. F-28-6344, E. T. sec. 16764.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Heinrich Hein, Justin Hein, and Vinzenz Hein, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of Ludwig Hein, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Central Trust Company, Rochester, New York, as Administrator, C. T. A., acting under the judicial supervision of the Surrogate's Court of Monroe County, Rochester, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 14, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-5252; Filed, June 29, 1949; 9:00 a. m.]

[Vesting Order 13410]

WILLIAM PALMTAG

In re: Trust u/w of William Palmtag, deceased. File No. D-28-12635; E. T. sec. 16814.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Adolph Palmtag, Jr., Lisal Palmtag, Frieda Palmtag and Lena Palmtag Beig whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the trust created under the will of William Palmtag, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Wells Fargo Bank & Union Trust Co., 4 Montgomery Street, San Francisco, California, as trustee, acting under the judicial supervision of the Superior Court, San Benito County, California;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 14, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-5253; Filed, June 29, 1949; 9:00 a. m.]

[Vesting Order 13411]

PAUL PFOTENHAUER

In re: Estate of Paul Pfothner, deceased, and Trust under the will of Paul Pfothner, deceased. File: D-28-6648; E. T. sec. 4880.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Exec-

utive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Max Pfothner, deceased; of Ernest Pfothner, deceased; of Georg Pfothner, deceased; and of Alice Wilgenroth, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of Paul Pfothner, deceased, and in and to the trust established under the will of Paul Pfothner, deceased,

is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the Bankers Trust Company as trustee, acting under the judicial supervision of the Surrogate's Court, County of New York, New York;

and it is hereby determined:

4. That to the extent that the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Max Pfothner, deceased; of Ernest Pfothner, deceased; of Georg Pfothner, deceased; and of Alice Wilgenroth, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 14, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-5254; Filed, June 29, 1949; 9:01 a. m.]

[Return Order 339]

FREDERIK HENDRIK STIELTJES

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits

recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Frederik Hendrik Stieltjes, Delft, The Netherlands, Claim No. 6428; April 20, 1949 (14 F. R. 1909). Property described in Vesting Order No. 671 (8 F. R. 5004, April 17, 1943) relating to United States Letters Patent No. 2,226,026. This return shall not be deemed to include the rights of any licensees under the above patent.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on June 22, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-5255; Filed, June 29, 1949; 9:01 a. m.]

[Return Order 357]

JOSEPHINE HOFIREK

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Josephine Hofirek, Vienna, Austria, Claim No. 41266, May 14, 1949 (14 F. R. 2583), \$290.87 in the Treasury of the United States. All right, title and interest of Josephine Hofirek a/k/a Josephine Hoferik in and to the Estate of Fannie Moss, deceased.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on June 22, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-5256; Filed, June 29, 1949; 9:01 a. m.]

[Return Order 359]

LOTTIE EDITH TEMPLE ET AL.

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Lottie Edith Temple, nee Eichengruen, London, England, Claim No. 7222; May 17, 1949 (14 F. R. 2604); \$5,542.46 in the Treasury of the United States.

Alice Maud Jarosl, nee Eichengruen, Jerusalem, Palestine, Claim No. 7223; May 17, 1949, (14 F. R. 2604); \$5,542.46 in the Treasury of the United States.

Margot Rivarola, nee Hammer, Genoa, Italy, Claim No. 7224; May 17, 1949 (14 F. R. 2604); \$5,542.46 in the Treasury of the United States.

Doris Hammer, London, England, Claim No. 35155; May 17, 1949 (14 F. R. 2604); \$5,542.46 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on June 23, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
*Assistant Attorney General,
Director, Office of Alien Property.*

[F. R. Doc. 49-5257; Filed, June 29, 1949;
9:01 a. m.]

[Return Order 360]

ANNA HAWERDA

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Anna Hawerda, Vienna, Austria, Claim No. 41130, May 14, 1949 (14 F. R. 2583), \$300 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on June 23, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
*Assistant Attorney General,
Director, Office of Alien Property.*

[F. R. Doc. 49-5258; Filed, June 29, 1949;
9:01 a. m.]

[Return Order 361]

THERESIA GIRSCH

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Theresia Girsch, Auberg 56, Bezirk Rohrbach, Upper Austria, Austria, Claim No. 10247, May 14, 1949 (14 F. R. 2583); \$2,199.99 in the Treasury of the United States. All right, title and interest of Theresia Girsch in and to the Estate of Maria Heym, deceased.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on June 22, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
*Assistant Attorney General,
Director, Office of Alien Property.*

[F. R. Doc. 49-5259; Filed, June 29, 1949;
9:01 a. m.]

LOUIS AMBUHL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location
Louis Ambuhl, Brussels, Belgium; 12708;
\$1,000.00 in the Treasury of the United States.

Executed at Washington, D. C., on June 23, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
*Assistant Attorney General,
Director, Office of Alien Property.*

[F. R. Doc. 49-5260; Filed, June 29, 1949;
9:01 a. m.]

